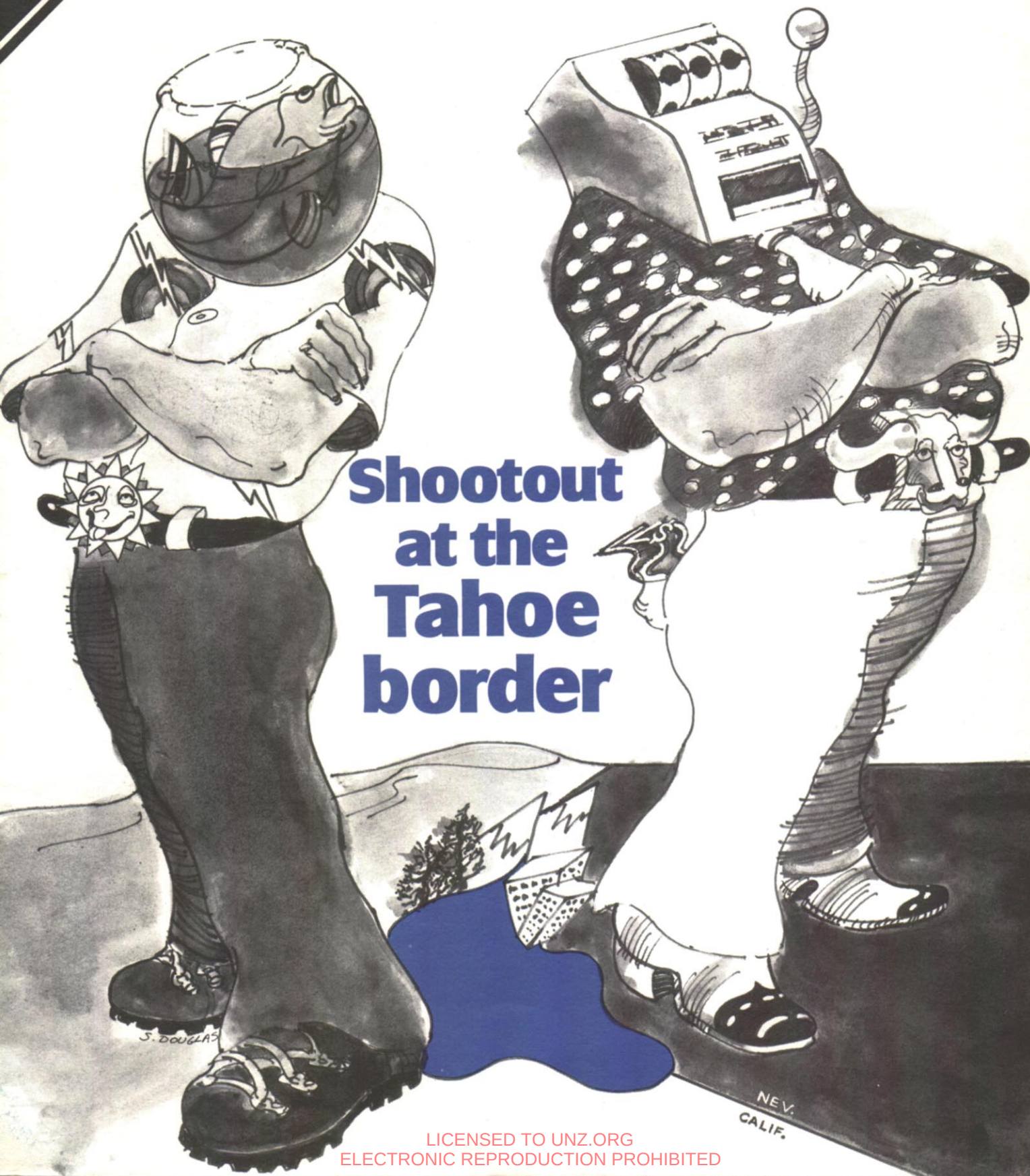


SPECIAL SECTION
CAMPAIGN LAW GUIDE

MARCH 1978/\$1.75

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS



Shootout at the Tahoe border

Personal

PERSPECTIVE

By **ED SALZMAN**



For the defense (sort of)

If you've been following the national press in recent months, you'd think that there is a buzz-word monster loose in the land threatening to Californicate America. Our Governor is being portrayed by some of the nation's best-known political writers as a George Wallace or a Richard Nixon in a pin-striped suit.

It has become convincingly clear to eastern analysts that Jerry Brown will challenge Jimmy Carter for the presidency in

1980. What shocks them most is that he may win. They see Brown as an unscrupulous politician who will do whatever it takes to win — switch positions at will, consort with the lowliest of machine politicians and employ symbols rather than substance to amass his tremendous public appeal.

These charges against Brown are easily documented. But methinks they protest too much. It is one thing to say that Brown is above all a political animal and another to label him a varmint to be shot on sight. Take a look at some of the accusations:

- **Brown is in the same category as Wallace, Nixon and even Joe McCarthy.** While the Governor may well be a populist and even a demagogue, one of the most admirable traits he has displayed is a total unwillingness to engage in character assassination. He is not a racist. He does not make unsubstantiated charges. While it is obvious he views Jimmy Carter as a political opponent, he has taken issue with Carter on issues but has never attacked him personally.

- **Brown is all style and symbols; he has produced nothing of substance.** Even Brown's staunchest critics would have to admit that the Governor can show several major accomplishments, especially in his first two years. And the state's financial condition has never been better.

- **Brown is a master media manipulator who employs "buzz words" to mesmerize the voters.** This is an accurate description of the Governor and is the secret to his success. He knows intuitively what the public wants, and he knows how to offer it to the voters without seeming to use the hard sell. That probably is what galls Brown's critics most — the fact that he gets the message across better than others without using traditional techniques. Every politician tries to manipulate the media. Every press release circulated by a politician is such an attempt; so is every press conference. Brown has developed a new formula which disdains the items in the ordinary salesman's tool kit in favor of buzz words and symbols, passed out in what appears to be an offhand and thus sincere manner.

When evaluating any public official, we must remember that it is impossible to take the politics out of politics. The problem with Jerry Brown and the reason for the chorus of attacks on him is that, by employing the lexicon of the philosopher, he has raised our expectations.

The solution is simple: We must take the advice Brown once gave us and lower our expectations.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

Volume IX, Number 3

March 1978

PRESIDENT AND PUBLISHER

Thomas R. Hoeber

EDITOR

Ed Salzman

ART DIRECTOR

Jan Castle

ASSOCIATE EDITOR

Alice Nauman

WASHINGTON CORRESPONDENT:

Leo Rennert

CONTRIBUTING ARTISTS: Ric Hügo,

Donna Rivers, Lee Judge

CIRCULATION MANAGER:

Barbara Aguirre

STAFF: Hope Tuttle, Dorie Runyon,

Caroline Landry

CALIFORNIA JOURNAL is a non-ideological analysis of California government and politics published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation. Publication is assisted by grants from the Columbia Foundation, Ford Foundation, Levi Strauss Foundation, Natomas Company, Stella B. Gross Charitable Trust, and Wright Charitable Trust.

BOARD OF DIRECTORS

EUGENE C. LEE, Chairman, director of the Institute of Governmental Studies, Berkeley.

LOU CANNON, western bureau chief, *Washington Post*, Los Angeles.

JUDSON CLARK, California Research, Sacramento.

DORMAN L. COMMONS, president, Natomas Company, San Francisco.

HOUSTON I. FLOURNOY, dean, Center for Public Affairs, University of Southern California, Los Angeles.

THOMAS R. HOEBER, publisher, *California Journal*, Sacramento.

HAROLD KEITH, Investments, Beverly Hills.

ROSSELLEN KERSHAW, past president, California Division, American Association of University Women, Fresno.

MELVIN B. LANE, president, Lane Publishing Co., Menlo Park.

DONALD G. LIVINGSTON, secretary and director of public affairs, Carter Hawley Hale Stores, Inc., Los Angeles.

EDWIN MEESE III, attorney, La Mesa.

YOLANDA NAVA, news reporter, KTXL-TV Channel 40, Sacramento.

MARCEL B. POCHÉ, Superior Court Judge, Santa Clara County.

MADELEINE H. RUSSELL, former Democratic national committeewoman, San Francisco.

VAINO SPENCER, Superior Court Judge, Los Angeles.

COUNSEL: Conrad Lee Klein.

Subscription rates: Libraries and Governmental Agencies, \$30; Corporations and Associations, \$50; Special Individual Rate, \$18.

Copyright 1978 by California Center for Research and Education in Government, 1617 10th Street, Sacramento, California 95814. Telephone: (916) 444-2840. Second-class postage paid at Sacramento.



An old-fashioned newspaper circulation war has been declared by the *Los Angeles Times* against the *San Diego Union-Tribune*. The *Times* is in the process of establishing a large bureau in San Diego and will truck papers to the state's southernmost urban center from the *Times*' huge Orange County plant. The *Union-Tribune*, which has been trying to change its image since the death of publisher James Copley, is beefing up its staff to meet the challenge. The *Times* will get more competition in the Los Angeles market with the effort of the *Herald-Examiner* to pull itself from obscurity under the leadership of new editor Jim Bellows. And in the north, the *Sacramento Bee* has started a morning edition that competes with the *Union Front Page* lives.

Michael Salerno, outgoing University of California student Regent, has bad news for Republican gubernatorial candidate Ken Maddy. Salerno has found that quite a few people — not students — are confusing Maddy with former Democratic Assemblyman Ken Meade, the rebel who refused to wear a necktie in the Assembly chamber.

The myth persists that Jerry Brown lives on alfalfa-sprout sandwiches. In fact, Brown is a true representative of the junk-food generation.

Where-are-they-now department: Nancy Clark Reynolds, former aide to Ronald Reagan and former San Francisco television newswoman, is a high ranking-executive of the Bendix Corporation and heads the firm's Washington office.

Of all the politicians who have passed through Sacramento over the years, only one is honored with an annual memorial luncheon — the late Assemblyman Robert W. Crown of Alameda, struck by a car while jogging five years ago.

There's one caucus in the Legislature that's been kept under wraps — the "pot caucus." The group lights up every week or so and consists of younger Assembly members, all Democrats except one.

Table of CONTENTS

COVER BY SUSAN DOUGLAS

Sacramento soap opera

72

By Larry Liebert

L' affaire Mondanaro has ended, but will the memories of Brown Administration infighting linger on?

Showdown at Lake Tahoe

77

By Ron Roach

Gamblers, environmentalists and politicians are all preparing for the biggest battle yet over the basin's future.

Huey Johnson, global dealer

80

By Hal Rubin

Part realist and part dreamer, the new Resources secretary knows he needs public support for the risks he wants to take.

Sunset for Sundesert

82

By Otto Kreisher

Did nuclear safety issues get lost in a cloud of election-year politics?

SPECIAL SECTION: Campaign Law Guide 1978

The California Journal offers this month a complete update of its practical guide to campaign laws, first published two years ago. For candidates, elected officials, contributors and lobbyists, the section is "must" reading in this election year.

GOP land of opportunity

85

By Ed Salzman

For once the action is in the congressional races, and Republicans have more to gain than to lose.

Smog power

88

By William Simmons

It may be time to forget home rule and turn over all air pollution problems to state and federal agencies.

Return of the trains

91

By Richard Rodda

Passenger lines have gained some important friends, and the future looks brighter for state rail travel.

The forced retirement hassle

93

By Marla Elliott Baker

A bill to ban mandatory retirement in the private sector was born out of compromise and now is breeding confusion.

Double cross	74	Newsmakers	95
Lee Judge	87	Roll Call	96
Capsules	95	Charting the issues	98
Leo Rennert	99		

THE STRANGE CASE OF JERRY, JOSETTE AND THE LURID LETTER



Main characters in the Mondanaro drama (from left): Mario Obledo, Ray Procunier and Dr. Jerome Lackner, Dr. Josette Mondanaro, Governor Brown.

By LARRY LIEBERT

PHOTOS BY DENNIS WARREN

In reflective moments, Governor Jerry Brown surely ponders some lingering questions about "the Mondanaro case," the most sensational and unlikely dispute yet to hit his administration: How much will voters remember of this tale that so resembled a soap opera in its convolutions and passions? And how will their memories affect Brown's performance in his re-election campaign this year?

Many voters may remember — approvingly — that Governor Brown fired from his administration Dr. Josette Mondanaro, a lesbian who wrote an obscenity-filled letter on official state stationery. But other voters may be left with a troubling, if vague recollection of Mondanaro's contention that she was fired because of "cronyism" in hiring policies of top Brown aides — and because of political expediency by Brown.

Certainly, Brown would rather have done without the unseemly public name-calling that a five-day public hearing sparked between some of Brown's top aides. For the last week of January, a hearing officer of the state Personnel Board heard Mondanaro's appeal of her dismissal from a \$41,664-a-year job as deputy director of the state Department of Health in charge of drug abuse programs. The spicy mock-courtroom drama packed a large auditorium every day with Mondanaro's supporters, many of them from the National Organization for Women and gay rights groups, as well as curious civil servants on extended coffee breaks.

On February 8th, the state Personnel Board ordered Brown to rehire Mondanaro. Moving quickly in an effort to put the awkward issue behind him, Brown announced within hours that he would forego his right to appeal the decision in court. Mondanaro returned to her old job, although she said she plans to quit sometime before the Department of Health is reorganized in July.

Thus, the immediate issue is settled. But the Personnel

Board's strongly-worded decision leaves unsettling questions. Ruling that Mondanaro's use of obscenities in a letter did not justify her dismissal, the board said the letter "showed poor taste and was an error in judgment" but that it was basically private in nature" and only became public because of a "rifling" of Mondanaro's files.

Equally damaging to Brown's administration, the board supported Mondanaro by concluding that she "made some powerful enemies in the performance of her work" and was subjected to "harassment" as "a reprisal for (her) failure to cooperate in hiring and funding matters." Rejecting another of her contentions, however, the board ruled there was not "any substantial evidence" to show the governor fired her because "he considered her lesbianism a liability to his re-election campaign."

Mondanaro was fired last October, "rejected" on the day before her probationary period as a new state employee was due to end. Brown said he ordered the firing personally. Although he refused Mondanaro's demand that he testify publicly in the case — "because I don't think this issue requires a circus," he said — Brown provided what aides called an "extraordinary" alternative, a sworn deposition in the case. Under oath, Brown said he fired Mondanaro solely because of the vivid obscenities in the letter she wrote on state stationery. "Absent the letter," he said, "Dr. Mondanaro would be working today for the state of California."

Brown rejected Mondanaro's assertion that the letter was intended as a private correspondence with a friend, placed on state paper mistakenly. He also brushed aside her assertion that the letter's obscenities were understandably inspired by her outrage at child pornography. In the letter, she denounced those she considered tolerant of child molestation. "I expect people who hold an office of this importance in my administration to have the presence of mind to act responsibly, whatever the provocation," Brown said. "I find the concept of fighting pornography with pornography totally unacceptable."

Brown insisted it was just that simple — firing an em-

Larry Liebert is a Sacramento correspondent for the San Francisco Chronicle.

ployee for an irresponsible dirty letter — and so did Deputy Attorney General Anthony S. DaVigo, who represented the state in arguing that Mondanaro's dismissal should be upheld by hearing officer James Waller and the Personnel Board to which he reports. Indeed, unless racial or sexual discrimination can be proved, civil service rules give broad leeway for dismissal of state workers during the probationary period of their employment.

A biting attack

But Mondanaro and her attorney, Ephraim Margolin, turned what could have been a routine personnel hearing into a biting, often effective attack on the popular Governor and some of his top appointees.

The star witness was Mondanaro, a 32-year-old pediatrician and, by all accounts, an expert on drug abuse programs. Her defenders described her as "an outstanding administrator" who brought new purpose to the state's chaotic operation of drug treatment programs. On the stand, Mondanaro was an articulate, thoughtful, determined, ever ingratiating witness. But there were hints she also could be tough, undiplomatic, foul-mouthed. One of her own witnesses described her on one occasion as "mouthy." At another point, DaVigo asked if it were true that she had once publicly referred to her entire staff as "a bunch of assholes." "Oh, no," Mondanaro retorted cheerfully, "just some of them."

Guiding her case was Margolin, a San Francisco attorney known for his work in civil liberties cases. In a heavy eastern European accent, Margolin, a leading Jewish supporter of Israel, thundered an outrage his charges of "corruption" and "coverup" in Governor Brown's organization. Margolin took the case, one insider confided, well aware that it could cost him longtime friendships with Brown Administration officials, including J. Anthony Kline, Brown's legal affairs adviser.

Most significant in elevating the case from the routine to the sensational, however, was the dramatic testimony in favor of Mondanaro by Dr. Jerome Lackner, Brown's director of the Department of Health, and by Ray Procnier, Lackner's chief deputy and a trusted Brown adviser who formerly headed the state's prison system. Both are lame ducks in that the troubled Health Department they run will be split into smaller departments by a reorganization in July, eliminating their jobs. Nonetheless, it was startling to watch them under oath, backing Mondanaro over the Governor and bluntly endorsing her charges of

What the letter really said

Just what did Dr. Josette Mondanaro's "obscene" letter really say? Reading expurgated versions in the news media, Californians had to play a guessing game of fill-in-the-blanks. It provided a sport much like speculating about the "expletives deleted" in transcripts of President Nixon's White House tapes.

The letter that ostensibly caused Governor Brown to fire Mondanaro from her job as deputy director of the Department of Health was dated June 24th, 1977. It was addressed to a friend, Judianne Densen-Gerber, a founder of Odyssey Institute, an organization based in New York which campaigns against child abuse and child pornography.

Mondanaro maintains it was a "personal" letter to a friend, even though she made the "stupid mistake" of sending it on official Department of Health stationery. She argues the letter would have remained private had not her enemies within the Brown Administration taken it from her office files and circulated it. The letter:

Dear Judianne:

I not only appreciate, but *share* your outrage at Larry Constantine's garbage in *Behavior Today*. Vasconcellos sent Dr. Lackner a copy, and stated that he agreed with Larry's articles. I was speechless. People here basically believe that most people will in fact have a negative reaction to his male over intellectualized bullshit.

Vasconcellos must have his head (or something) screwed on wrong. Liberal "do gooders" like him continue to lead this society down very strange paths.

But — articles like the one in *New Times*, June 24, will reach and touch more people. Did your staff help the writer? This is an excellent article:

In answer to your questions about what to do — I think you should trust your gut reaction — no one needs you to make this a war between you and an asshole like Constantine. He will be buried in his own crap. His irrational bullshit obviously speaks for itself.

I would not grace his article with a rebuttal. It is not deserving of your time or energy. Continue to bring your message to the people — they will prevail in the long run. They need the information — and the direction you provide so well.

This is not a personality issue — Vasconcellos and Constantine are not going to make the issue of child porno go away by attempting to "academically" discredit you.

... and while the researchers and legislators are awaiting the *hard data* which would prove whether sexual abuse of children *really* hurts them *permanently* ... or whether it just hurts for a little while — we must continue to expose and oppose this blatant abuse.

Constantine's point about children being sexually active is quite true, but quite misplaced. We are not talking about children — peers mutually exploring themselves — in a non-threatening — non-coercive atmosphere — why do these intellectual midgets attempt to cloud the issue by going to the gray zone when we are clearly talking about the extremes of sexuality? Have they come too close to these feelings towards their own children, and now must defend all the crap?

(Editor's note: To read the x-rated sentence omitted here, solve the double-cross puzzle on the next page.)

Judianne — people know what you're talking about — Some may not like your style — your looks — whatever — but that's not the point. The point is, what is this society going to do about the neglect and abuse of children? That neglect, abuse and sexual abuse of children exist is *not* debatable. It exists. And, those who would debate the issue expose themselves for what they are — creeps!

We haven't written a new request for proposal yet, but will get one to your office as soon as we do.

I'm glad that you know I do support your work — and share your outrage.

Sincerely,

Josette Escamilla-Mondanaro, M.D.
Deputy Director for
Division of Substance Abuse

Although Mondanaro wrote that Assemblyman John Vasconcellos of San Jose had agreed with arguments in Constantine's article, she acknowledged at her hearing that Vasconcellos opposes child abuse. Mondanaro testified that the angry, sometimes-obscene imagery of the letter was inspired by horrible cases of children, even babies, who had been severely injured when raped by adults. She said she had treated such cases as a pediatrician.

cronyism involving Health and Welfare Secretary Mario Obledo.

Praising Mondanaro's talents effusively, Lackner and Procnier said they believed her obscenity-sprinkled letter required nothing more than the verbal rebuke they gave her for writing it on official letterhead. But they said Obledo and his top aide, Xavier Mena, pressured them relentlessly to use the letter as a pretext to fire her. Lackner said he signed dismissal papers that were virtually dictated by Mena and did so only under "a great deal of pressure." Lackner even asserted that he would have been fired himself if he refused to dismiss Mondanaro. "If I did not (fire her), I had the feeling the same thing would be accomplished by putting in a new (Health Department) director who would then do this," Lackner testified.

Similarly, Procnier said he actually walked off the job — quit for a day — rather than fire Mondanaro. Eventually, Procnier said, he reluctantly agreed to support her dismissal, but only after Governor Brown personally promised Procnier he would take public blame for the action.

With support from Lackner and Procnier on almost every point, Mondanaro and her attorney attacked Brown and his administration on the following three fronts:

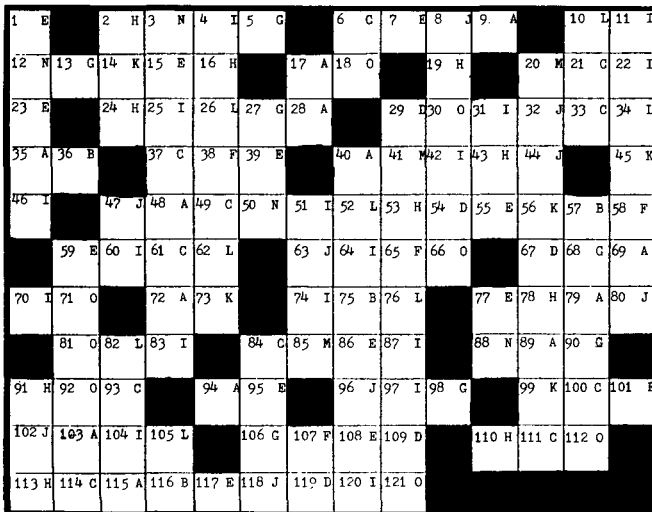
• **Mondanaro's lesbian lifestyle** — The fired official and her attorney attempted to keep her sexual orientation from overwhelming the other issues in her case, but it kept surfacing, partly because such groups as the National Organization for Women publicly indicated it was the prime motive for the firing. In an election year, gay rights' issues are touchy for Governor Brown simply because he is a bachelor subject to rumors and innuendo about his personal life, no matter how groundless.

Addressing her lesbian lifestyle for the first time in the final hours of her lengthy hearing, Mondanaro testified: "It's a private matter, and certainly not one where I was going around telling everybody it was important for them. Certainly, I have not within the last seven or eight years denied or lied about my sexual preferences." Mondanaro said she had no evidence that her lesbian orientation was a factor in Brown's decision to fire her. But she said Obledo

The Political Double-Cross

by Alisa Belinkoff Katz

by Alisa Belinkoff Katz
© 1978 all rights reserved



Instructions: Although this looks like a crossword puzzle, the words read only across, not up and down. The complete diagram spells out a quote about politics in California. Fill in the answers to the clues and transfer the letters to the corresponding spaces in the diagram. You may also work backwards, guessing at words in the diagram and transferring the letters to the clue spaces. The first letters of the clue answers, taken in order, spell out a description of the work from which the quote is taken. Most of the clues refer to the California political scene.

- F. What oatmeal sticks to. 107 38 65 58
- G. Exempting Sundesert would give the go-ahead 13 68
- H. AB 402 gave the Legislature more say 78 53
- I. Prop 13: the Jarvis 11 46 83
- J. Bribery investigations of Song and others. 118 63 8
- K. Ended the drought; also, senator from Ventura. 73 14 45 56 99
- L. Northern California homosexual power: _____ supervisor. 34 82 76 10
- M. What the hard-of-hearing legislator says. 52 105 26 62
- N. Federal agency that made a space-age contract with Jerry Brown. 41 20 85
- O. After swing and graveyard. 12 3 50 88
- 121 81 66
- 112 71 92 18 30

CLUES

- A. Jerry Brown's "stance" on Zen. 79 48 115 69 9
- B. Protection; sponsorship (var.). 40 17 89 103
- C. Royal exhibit at L.A. art museum. 28 94 72 35
- D. Los Angeles newspaper. 57 36 116 75
- E. A lobbyist may offer, but a legislator should _____ (refuse his offerings). 84 100 6 114 61
- F. _____ (refuse his offerings). 33 37 111 93 21 49
- G. _____ (refuse his offerings). 54 119 67 109 29
- H. _____ (refuse his offerings). 86 15 101 77 23
- I. _____ (refuse his offerings). 7 55 117
- J. _____ (refuse his offerings). 108 1 95 59 39

SOLUTION: A. Lotus position; B. Egis; C. Tutankhamun; D. Times; E. Esche(w) his gifts; F. Ribs; G. To nukes; H. On highways; I. And Gann initiative; J. F.B.I. checks; K. Rains; L. In S.F., a gay; M. Ehh; N. NASA; O. Day shift.

was "out to get me" partly "because I am a lesbian."

When she was first hired at the Department of Health, Mondanaro said, Lackner showed no interest in her sexual orientation but Obledo opposed her hiring because of it. She said aides in the Governor's office also inquired about her sex life, and she maintained that her hiring for the state job was intentionally delayed until after the string of presidential primaries that Brown entered in 1976. In his sworn deposition, the Governor denied that Mondanaro's lifestyle was a factor in her dismissal. Elisabeth Coleman, Brown's press secretary, told reporters it was "baloney" to suggest otherwise because "if her sexual preference was the issue, she never would have been hired."

• **Political expediency** — In a variety of ways, the Mondanaro case tarnished Brown's reputation as a non-politician by alleging he had an overwhelming concern with the political ramifications of his every action. After the now-famous letter had been discovered by Obledo, Lackner testified, the health director was called into Brown's office suite for a meeting with Kline, one of Brown's two or three closest confidants. Lackner testified that Kline waved a piece of paper, as if it were the letter, and said, "The Governor's opponents will get this letter. In fact, they probably already have it . . . They will print this letter and use it against us and circulate it."

After that meeting, Lackner said, he concluded that Mondanaro was being fired for political reasons. "The issue had to do with the use of the letter in the next gubernatorial campaign. Period," Lackner testified.

In her testimony, Mondanaro also painted a picture of Brown obsessed with politics over substance. She described a three-hour closed-door meeting between Brown and his top health advisers that she attended shortly before her dismissal. Mondanaro said that Brown brushed aside substantive discussion of problems in drug abuse treatment and worried aloud that the programs could become "time bombs that would interfere with his election" to a second term as governor. She said Brown announced "that he didn't want any explosions before his election, that he wanted to keep the lid on and control all these problems." She also quoted him as saying that no one cares about drug addicts because they don't vote.

She said Brown warned that then-Los Angeles police chief Ed Davis, a Republican challenger for governor, "would have people out in vans that have windows in the back, taking pictures of people in our drug programs" to use against Brown in the campaign. (Brown has worried in the past that Davis may be gathering intelligence on him. In one case he told a reporter, "Have you heard that Ed Davis is investigating Linda Ronstadt [the rock singer] because she is a friend of mine?" Davis has denied spying on Brown.)

Other sources privately confirmed those comments by Brown, although one Brown aide noted the Governor often makes deliberately provocative statements to spark debate. In his deposition, Brown said that Mondanaro had been "totally inaccurate" in describing the tone of the closed-door meeting.

"I was concerned and I still am concerned that these drug programs do the job they're intended (to do) and they not become infiltrated by any gang or engage in any improper activity," Brown said. The Governor has been embarrassed by state support of the Get Going program for ex-convicts in Los Angeles. Michael Delia, director of the program, has been charged with killing his estranged wife, and evidence has linked the program with drug trafficking and the "Mexican Mafia." Obledo has demanded a retraction of a vaguely worded article in *Reader's Digest* that linked him to the Get Going program and its Mexican Mafia supporters. Testifying in Mondanaro's case, Mena, Obledo's top aide, said of



Mondanaro back on the job

Get Going: "I had absolutely nothing to do with the decision to fund that program. I did help to get it expedited after it had been approved."

Mondanaro emphasized that Get Going did not get its state funding through her division and claimed she had resisted demands from Obledo's office that she provide funding for it. She also asserted that during the closed-door meeting of Brown's health advisers, Obledo had demanded that she find some excuse to shut down a different drug abuse program in East Los Angeles, even though there had been no evidence of wrongdoing in it, just to prove that Obledo could be "tough" on Chicano programs.

• **Cronyism** — Mondanaro charged that Obledo and Mena were "out to get" her primarily because she had frustrated their efforts to break civil service rules in finding state jobs for their friends. She charged that Obledo was overwhelmingly concerned with getting jobs for particular Chicano males who were his friends but not with "affirmative action" for women, or for Blacks and other minorities. Lackner and Procunier backed Mondanaro's assertions.

Obledo responded in his testimony: "This is an excellent time to change government. I'm going to do all within my power to make certain that Spanish-speaking people are brought into state government." He added, "I'm friendly with all kinds of people — whatever their stations in life. That's why I'm in some trouble now — because the office of secretary has been open to people who had never been able to see a secretary."

The most striking conflict in testimony was over Henry Collins, a Chicano ex-convict and ex-drug user whom Obledo called a knowledgeable and "articulate" expert on drug abuse. Collins was placed in a series of jobs within Obledo's Health and Welfare Agency, the last of which was cancelled by the Personnel Board because of irregularities in the hiring. Asked under oath if he had intervened to get Collins jobs, Obledo testified: "If by intervened you mean 'Did you ever make a phone call to ask if someone would consider him?' then yes, I have . . . If you're asking if I ordered someone to hire him, no."

But Lackner next testified that Obledo repeatedly ordered him to find a job for Collins. "I saw it as an order then, and I still do now," Lackner said. Bolstering Lackner's account, Procunier testified that Lackner had told him of being ordered by Obledo to hire Collins even though he did not qualify on civil service tests. In the tough-cop vernacular of his past as a prison guard, Procunier said he told Lackner, "Don't touch that with a ten-foot pole, man. There's a bunch of shit coming down over that."

Mondanaro said she was caught up in the Collins squabble

because Mena ordered her to manipulate civil service tests for a Health Department job to make Collins "reachable" on the civil service list of applicants eligible for the job. She said she refused to do so. Mena denied making such a request.

A second case of alleged cronyism involved Bill Garcia, another Obledo acquaintance. Lackner testified that Obledo told him flatly: "I want Bill Garcia made head of the personnel branch" of the Department of Health. Again, Obledo denied interfering in the civil service system. Lackner said that Mondanaro again crossed Obledo by loudly protesting the cancellation of an announcement of open competition for the job that Garcia was seeking.

Mondanaro contended her objections to cronyism caused Obledo and Mena to begin a campaign of harassment directed at her that culminated in use of the obscene letter as an excuse to fire her. She asserted that Mena deliberately swamped her in unrealistic requests for reports on drug programs. Procunier agreed: "It was incredible . . . Make-work makes me mad . . . There were incredible stacks of it." Denying he swamped Mondanaro in paperwork, Mena retorted, "I wouldn't ask for the impossible. My approach is, 'This information is available. How soon can you get it?'"

Raising questions

Although it never surfaced in the hearing, Obledo's allies contended that Mondanaro had been guilty of her own cronyism in filling jobs with her friends, some of them lesbians. Mondanaro flatly denied that. For example, she said she arranged for Ardell Poletti Schultz to be hired as a drug consultant solely because of her expertise. Schultz later committed suicide with an overdose of prescription drugs. In one of the soap opera twists of the case, Mondanaro denied undocumented suggestions that she had an affair with Schultz. Instead, Mondanaro told reporters that Schultz killed herself partly in despondency over the collapse of her heterosexual relationship with a married priest in another state.

In closing arguments that were an oratorical *tour de*

force, attorney Margolin characterized Brown's administration as one "which devours its best children." Repeating his accusations of a "coverup" in the Mondanaro case, Margolin took a blunt shot at Brown's aspirations to be president. "Anybody who cannot own up to making an error raises a specter of what will happen when real power is in their hands," Margolin said.

If nothing else, the Mondanaro case raised new questions about Brown's seeming indifference toward petty squabbling and sloppy administration in his health and welfare programs. Lackner is already on his way out, but the Mondanaro case made it increasingly clear that Brown may have to bounce Obledo from his post.

Throughout the five-day Mondanaro hearing, Brown and his top aides seemed caught off-balance, startled by the attention garnered by the issue. Among major newspapers, for example, the *Sacramento Bee* and *Sacramento Union* and the *San Francisco Chronicle* played the story on their front pages every day. On the other hand, the august and powerful *Los Angeles Times* skipped several days of the hearing altogether and played the story on inside pages on the other days.

The issue may fade but it won't go away completely during Brown's re-election campaign. The *Los Angeles Times* and *Sacramento Bee* have editorialized in favor of Mondanaro. Brown's Republican challengers are hoping to exploit the issue, although that is difficult without seeming to champion Mondanaro's lesbian lifestyle or use of obscenities. Nonetheless, conservative Ed Davis came out in Mondanaro's favor, saying she "should probably be given some kind of plaque of recognition" for her opposition to child abuse.

All in all, most pundits at the Capitol guess that *l'affaire Mondanaro* will prove a political "wash" for the Governor's re-election campaign — leaving voters with a mixture of positive and negative impressions that will cancel out each other. That may well be. But the unlovely tale of governmental infighting and intrigue is just the sort of boat-rocking tumult that must strike real terror into the heart of a popular governor with his eye on the White House. 🏠

Always the biggest publication bargain in Sacramento . . .

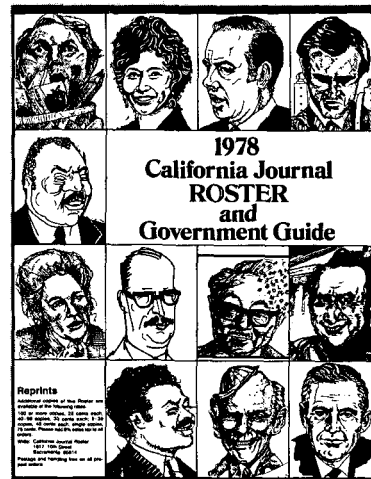
Still available at pre-inflation prices.

The California Journal ROSTER AND GOVERNMENT GUIDE

Organizations buying the 1978 edition in bulk can still obtain these handy mines of information at 25 cents a copy — the same price we charged last year and even the year before that. The 1978 edition contains the names, titles, addresses and telephone numbers of all the key players in the California government game, an expanded list of state agencies, a legislative-process chart and plenty of other useful information.

Price for the 12-page pamphlet: 100 or more copies, 25 cents each; 40-99 copies, 30 cents each; 2-39 copies, 40 cents each; single copy, 75 cents. Add six percent sales tax to all but single-copy orders.

Postage and handling are free on prepaid, Visa or Master Charge orders only. Send orders to California Journal Press, 1617 10th St., Sacramento 95814.



Jerry's suit for divorce from Pat's Tahoe marriage

By RON ROACH

A decade ago, a California governor named Brown helped create a b state partnership which he said "will not blemish the beauty of the Lake Tahoe Basin." Now another California governor named Brown is working — through his top aides — to gain a divorce and plop the battle between developers and conservationists into the hands of the federal government.

The bistate Tahoe Regional Planning Agency (TRPA), created by the California and Nevada legislatures and ratified by Congress in the late 1960s, will be abolished if the administration of Governor Edmund Brown Jr. has its way.

Nevada Governor Mike O'Callaghan's effort to save the bistate compact — he says to make it stronger — was rejected in January by the conservationist-dominated California Assembly Committee on Resources, Land Use and Energy. Despite "blood-on-the-carpet" concessions from Nevada casino operators, the bill (AB 493) to accept Nevada's amendments died when backers couldn't find more than one supporter on the 15-member committee.

Governor Brown, on the advice of his Resources secretary, Huey Johnson, axed California's share of TRPA's funding in his proposed 1978-79 budget. That gesture may turn out to be merely symbolic, however, because Assembly Speaker Leo T. McCarthy feels 1978 may not be the year to dump TRPA. Johnson now says it is a legislative decision, and he is "leaving the door open" for continued TRPA funding in 1978-79.

McCarthy is a leading critic of the organization, agreeing with Brown and environmentalist groups that TRPA has done a lousy job controlling devel-

opment in the Tahoe basin. But the California Legislature probably will restore the TRPA money, because under the compact, nothing from California means Nevada pulls out its funding. Presto — no TRPA. Or the Nevada Legislature may mount a drive to repeal the bistate agreement in 1979, according to Nevada state officials and other observers. Either way, without TRPA, there could be chaotic growth on the Nevada shore.

The knockout punch

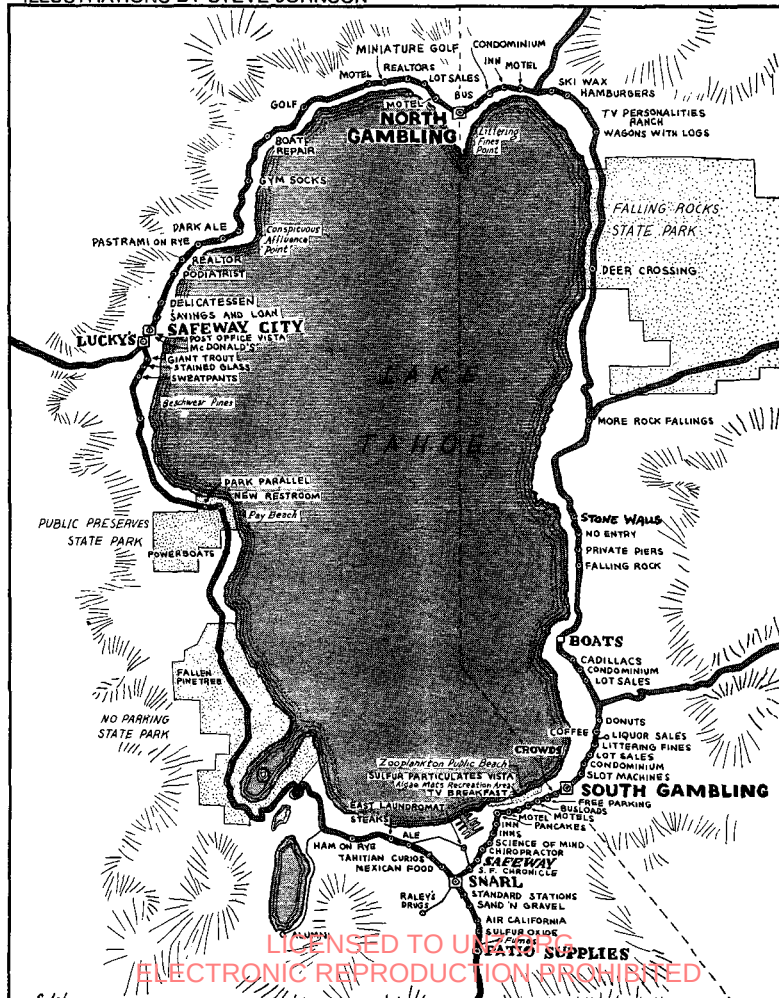
Enter the Brown administration. Certainly by next year, the son of former Governor "Pat" Brown will spearhead a plan to convert the region into a National Recreation Area, (NRA) operated by the U.S. Forest Service. (This scenario presumes Jerry Brown's re-election in November.)

By then the legislative combatants in the tug-of-war over the lake will be arm-weary. They will be softened for Huey Johnson's knockout punch and Jerry Brown will emerge to throw it. After all, the situation will have reached crisis proportions — generally the signal for Brown to act. Although he has not pulled the reins on Johnson since the plan was unveiled last summer, Brown still calls it "Huey Johnson's plan." It does not yet have Brown's name on it. But it will, says Johnson, when the moment is right.

Brown, in his first three years in office, hasn't said much about the Lake Tahoe dilemma, although his appointees to TRPA and the California Tahoe Regional Planning Agency (CTRPA) oppose more casinos.

In late December, Brown was asked if he shared his father's view, expressed in

ILLUSTRATIONS BY STEVE JOHNSON



1966, that both states must explore how the federal government "can help us make certain the Tahoe of the year 2000 is what we want it to be — still beautiful, still pure."

The Governor replied: "I'd like to see a greater federal initiative if the states can't — well, Huey Johnson has proposed a very creative idea regarding Tahoe, and I believe the congressional delegations of both states and the federal government should give it very serious consideration."

That consideration may already be building. In late January, Charles Warren, chairman of President Carter's Council on Environmental Quality, called for a meeting of all federal agencies involved in Tahoe's future.

"We should be doing this anyway," said Warren, an ex-assemblyman who was chairman of the Resources, Land Use and Energy Committee before he went to Washington. "But there's certainly more urgency if TRPA goes out of existence."

Also in January, at Brown's invitation, Nevada officials came to Sacramento and met with Johnson. But their reaction was still cool, or lukewarm at best, to Johnson's proposal.

Johnson, former head of a nonprofit corporation that buys land for the public trust, has mapped a "delicate" strategy. He has environmentalists on his side, and he is trying to convince the Nevada government, the Nevada gambling kingpins and the state and congressional lawmakers of both states.

Will he cut a deal with Nevada casino owners — whose influence moves and shakes the Silver State? Johnson says he will try to meet with these people, but he feels the key to success must be turned by public opinion.

"If the idea is a good one, it will grow and, like yeast, cause the dough to rise," Johnson says. "If it is heated up too much, I think it would trip. If 10,000 people say they want the NRA, Congress will have to listen."

Those 10,000 would include many of the owners of 17,000 undeveloped lots in the basin, Johnson figures. He says his plan offers their only salvation.

"The great dilemma here is the tragedy of being a lot owner," Johnson says. "The longer they wait for the NRA concept, the less their property is worth. Many can neither build nor sell."

Johnson, along with Mary Nichols of the California Air Resources Board, forecasts even tougher restrictions on development via antismog measures. Otherwise, Nichols says, the basin will become a "high-altitude parking lot."

TRPA has approved four major casino building permits in

its nearly 10 years — all without actually voting the go-ahead. The compact provides that a majority of each state's delegation must vote to reject a proposal within 60 days — or it is automatically approved. It is that failure to reject developments that triggered tough building restrictions on the California side by the CTRPA, including a controversial plan to provide mass transit and reduce auto traffic.

Fourteen more sites, under current zoning, could qualify for casinos in the future. And some Californians fear Nevada intends to build them. The lawmakers of the Silver State deny such intentions. They claim they did as much as they could last year to strengthen TRPA. Nevada will make no more concessions, says John Meder, chief of the Nevada state parks system. "There was a lot of blood left on the carpet to get this one through," Meder says. He adds that accepting the Nevada amendments would "take the gaming issue out of the compact and get on to issues that are equally important."

Here is what the Nevada amendments — rejected by the California Assembly committee — would have provided:

- **The dual majority vote requirement** would have been changed to a simple majority of the whole.
- **Nevada would have agreed to "redline" two casinos** so that they could not be built. These two projects already have been approved, as all the others, by lack of dual majority rejection. The U.S. Forest Service has been negotiating to purchase the properties involved.
- **Nevada would have allowed one more casino** at Incline Village, but that would have been the last — except for possible expansion of existing operations.
- **In exchange**, the CTRPA would have been eliminated.

"Possible expansion of existing operations" bothers many Californians. Victor Calvo, the Santa Clara County Democrat who is chairman of the California Assembly Resources, Land Use and Energy Committee, says he is worried that nothing would prevent those 14 casinos from being built, in effect, by calling them additions to existing gambling centers.

Nevada parks chief Meder agrees with Calvo that the Nevada amendments are not precise regarding casino expansion. But he says they were not intended to provide a loophole. Based on TRPA's voting record, a simple majority would reject expansion proposals if the dual majority provision were changed, he adds.

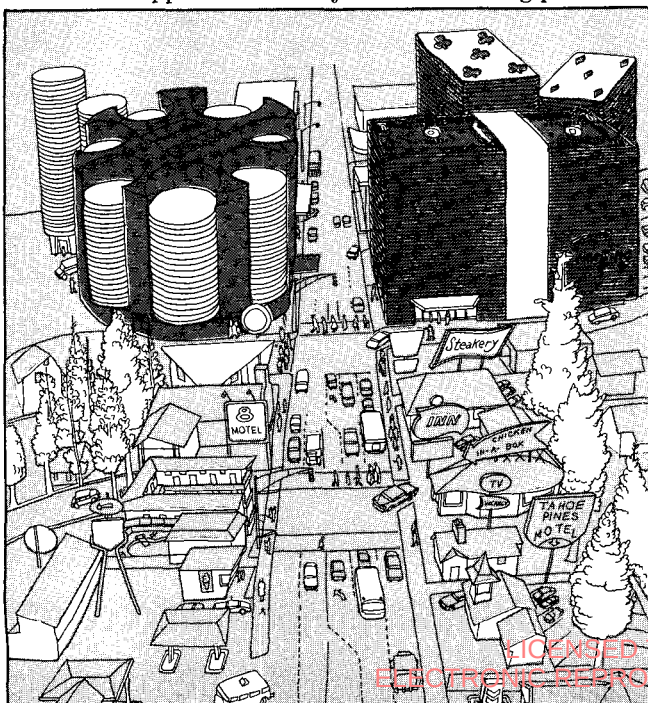
An utter failure

On one point all parties can agree: TRPA has been an utter failure in its role as preserver of the basin. Smog gauges have measured readings at the lake equal to the pollution of San Francisco. In January two north shore sewer districts called a halt in new sewer connections because of record sewage flows during the holiday season. That may mean a ban on all new construction on the California side this year, since sewage plant expansion would take years.

In 1950, the basin and its 12-by-22-mile lake were home for 2,500 year-round residents. About 30,000 daily visitors came in the peak summer tourist season. There were three small casinos on the Nevada side, with about 25 motels on the California side. Now there are 45,000 full-time residents, and 250,000 to 300,000 visitors on a busy day.

Four high-rise casino-hotels and three smaller ones are near the south shore, where a 15-story complex is being built. A large addition to one of the high-rise hotels also is in the works. On the north shore, including Incline Village, there are six casinos.

A motorist driving two-lane Highway 50 on the 71-mile route around the lake will observe, besides fantastic views of the NEAR pure lake and snow-capped peaks of the Sierra,



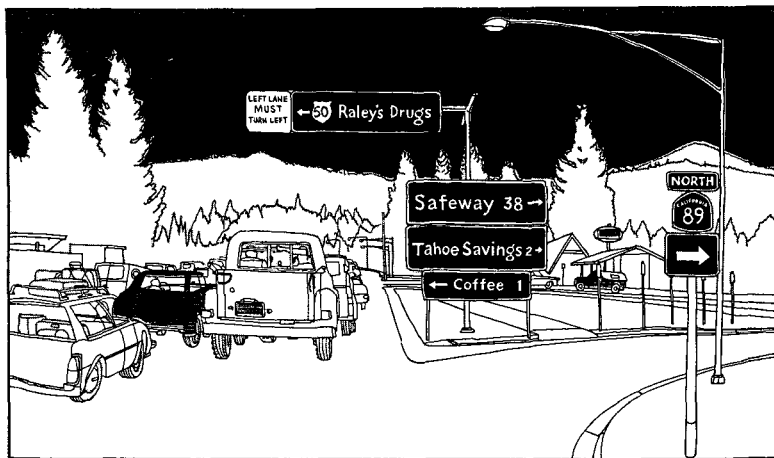


Illustration courtesy of California Tomorrow, Cry California, Winter 77-78

107 restaurants, 56 gasoline service stations and 218 motels.

"Only through (a national recreation area) will my great-grandchildren be able to get near Lake Tahoe," says Johnson. At about \$20,000 per lot, he says the 17,000 lot owners can be bought out for less than \$200 million. Or they could trade their land for property of equal value outside the basin where the federal government has huge tracts of land. More than 60 percent of the land in the basin already is in federal control.

Johnson says his plan is the only solution that will:

- Preserve the area for future generations.
- Increase public access by allowing new development only outside the basin, so all people can get to the lake, ski areas and casinos.
- Provide economic equity for property owners who will have an alternative to paying taxes and bonds on property which would be very difficult to develop or sell.

Johnson says he has seen positive results of similar projects in the Sawtooth Valley of Idaho, the Cuyahoga Valley of Ohio and the Golden Gate National Recreation Area of California. He says he is trying to sell the idea to the mortgage holders — the big bankers in both states. He is sitting down "eye-to-eye with those who will meet with me."

A lake for the rich?

Downzoned land that can't be developed or sold, he says, can lead to the decay of the entire region. He says current owners of lakeside estates would be allowed to stay — with the understanding that their property taxes would jump considerably, since the tax base would diminish.

"The idea of a National Recreation Area is flexibility — take things from where they are and move on. Those who wish to do so can continue to own homes and operate their businesses. Owners can stay there in perpetuity," says Johnson.

"Won't only the rich be able to enjoy it?" asks Democratic Assemblyman Norm Waters, whose district includes part of the basin. Waters and Assemblyman Eugene Chappie of Roseville carried the Nevada-amendment bill that died in Calvo's committee.

"I'm not rich and I enjoy it," responds Johnson, who adds that he would be willing to stay at a hotel outside the basin and use public transportation to reach the lake. Auto-caused smog could be reduced by limiting traffic to vehicles with special stickers. "They might pay \$100 a year or so to get in," Johnson suggests.

Assemblyman Jim Ellis, a San Diego Republican who sits on Calvo's committee, predicts that the public would veto such a traffic-control plan.

"One-hundred dollars a year?" he asks incredulously. "Now you're going back to the elitist (having sole access). I don't see that going too far." He also wonders whether visitors would have to take their chances in lotteries to find room on buses.

California state Senator Ray Johnson of Chico, who also represents part of the lake region in the Legislature, says he

wants to protect the lake, but he also wants immediate aid for owners of downzoned property.

"Do you really know what has happened to the people here?" the senator asked of Johnson at a Tahoe City hearing in December, conducted by Calvo's committee. "If you are critically ill, you go to the hospital. We have here people who are critically ill financially and they have no hospital."

Huey Johnson replied, "I'm trying to build the hospital. It's called NRA."

Governor O'Callaghan's top aide, Robert Stewart, says Nevada is willing to listen to California, but it is anxious for a short-term solution.

"We're not rejecting it (the NRA plan) as a long-term thing," he says. But he wants California to adopt the Nevada amendments to correct the dual majority vote problem, and then propose further amendments in future legislation.

Calvo calls Johnson's proposal "promising." Another assemblyman, Democrat Eugene Gualco of Sacramento, has introduced a resolution urging Congress to consider the recreation area plan. But local officials on the California side have been cool to Johnson's plan. Neil Walton, South Lake Tahoe's assistant city manager in charge of planning, predicts stiff opposition.

"If the National Recreation Area is going to buy all undeveloped land, that's sheer nonsense. And attempting to relocate people outside the basin is sheer nonsense. People don't want to be pushed around. We may get into a situation where the plan is more important than the people."

Hearing screams

Walton also says most people in the basin oppose restrictions or special fees for motorists. "The whole economy of the area is based on the construction trade and visitors. There's been a big drop-off in construction and if they do anything to impede visitors, you'll hear screams," Walton says.

"It's been my feeling all along that if California refuses to recognize that Nevada made real concessions, Nevada in 1979 will probably vote to repeal the bistate agency. If there's no agency, who knows what will happen?"

To Calvo, Gualco and other California legislators who are openly suspicious of Nevada's motives, Walton says, "You can't preserve half the lake. Somewhere along the line there has got to be trust."

Huey Johnson says that if Nevada doesn't support his plan, the state could be left out in the cold by the larger California delegation to Congress. Could California ramrod the plan through without the Nevada legislators' support?

"I suppose we could, ultimately," Johnson says. "But I don't want it to happen that way. It should be handled delicately." And Johnson reiterates, "Ultimately, the public will decide." 

Ron Roach is the capital correspondent for the San Diego Tribune.

Resources chief Johnson — global dreamer, land-bank zealot

By HAL RUBIN

The desk and chair in Huey Johnson's spacious 13th floor office would do justice to the president of PG&E, but he prefers sitting in a black canvas contraption that hangs suspended from the ceiling. It's likely that he does some heavy transcendental meditating and philosophical speculating about mankind's future in that canvas bucket with the wooden arm rests.

Most mornings Johnson rides a bicycle eight miles from his home in the North Area to his office in the Resources Agency building at Ninth and N. By pedaling he conserves fossil fuel, helps improve air quality, keeps in better physical condition than do most men of 45, and provides a model for the agency's 12,800 employees.

Johnson would look right in a Forestry Service uniform and even better in the regalia of the Royal Canadian Mounties. He has the trim, rugged look of an outdoorsman, and his current job of administering a huge bureaucracy might be viewed as bad casting. Yet it isn't, because Johnson — who replaced Claire Dedrick as Resources Agency secretary seven months ago — is a man of many parts and unexpected facets.

Jerry Brown's and Johnson's paths had crossed before, but they became friends at the San Francisco Zen Center, where the Governor goes to have his psychic batteries recharged. Like Johnson, a number of the Zen Center's inner circle have been recruited into major state jobs. (See "Brown's Zen Connection," *CJ*, January 1978.)

Johnson recalls that he had some second thoughts about accepting Brown's offer of the Resources post. "I already had the best job in the world, and I was advised the agency might not be manageable." (Resources' diverse departments include Fish and Game, Solid Waste Management Board, Air Resources Board, Coastal Commission, Department of Water Resources and Department of Parks and Recreation.)

But Johnson said yes to the Governor — and uses a metaphor to explain why: "After years of study as a generalist — working in the vineyards — all of a sudden you have a chance to move inside and become manager of the vineyard."

Born in Charlotte, Michigan, Huey Johnson was graduated from Western Michigan University with a bachelor's degree in biology; he got his master's in wildlife biology from Utah State in 1957. Then, lured by visions of affluence, he became Union Carbide's star salesman. But he soon decided the corporate quick-step was not for him, and he set off to bum around for a few years.

During that footloose period, Johnson tried a variety of jobs: garbage collector, school teacher in Idaho, buyer for a

salmon cannery, fisheries researcher in California and Alaska, assistant at a ski resort in New Zealand, and sales manager of an advertising agency in Australia.

Finally he was ready to come home and begin serious work on environmental and conservation problems. In 1969 he was chairman of a UNESCO conference on "Man and His Environment." The next year he assembled his thoughts in a book, *No Deposit — No Return*, which further explored environmental issues and man's survival. He traded ideas about nature conservancy at United Nations conferences in Sweden and Nairobi, and served as president of UNIFY, a nonprofit organization designed to increase public awareness of environmental issues. Later Johnson became founder and president of Trust for Public Land, a nonprofit land acquisition group that buys land, primarily in urban areas, and holds it for resale to public agencies. He was settled in this job, living in Marin County with his wife and two children, when Brown challenged him to come to Sacramento to test his philosophical ideas.

A deck of cards

Johnson is convinced that national survival depends largely on how we manage our increasingly finite resources. The Resources Agency chief uses another metaphor to explain how he is putting together the ideas he wants to test: "You go through the deck and pick out the cards you want. You may change a few cards — draw a few more — but basically that's the hand you play."

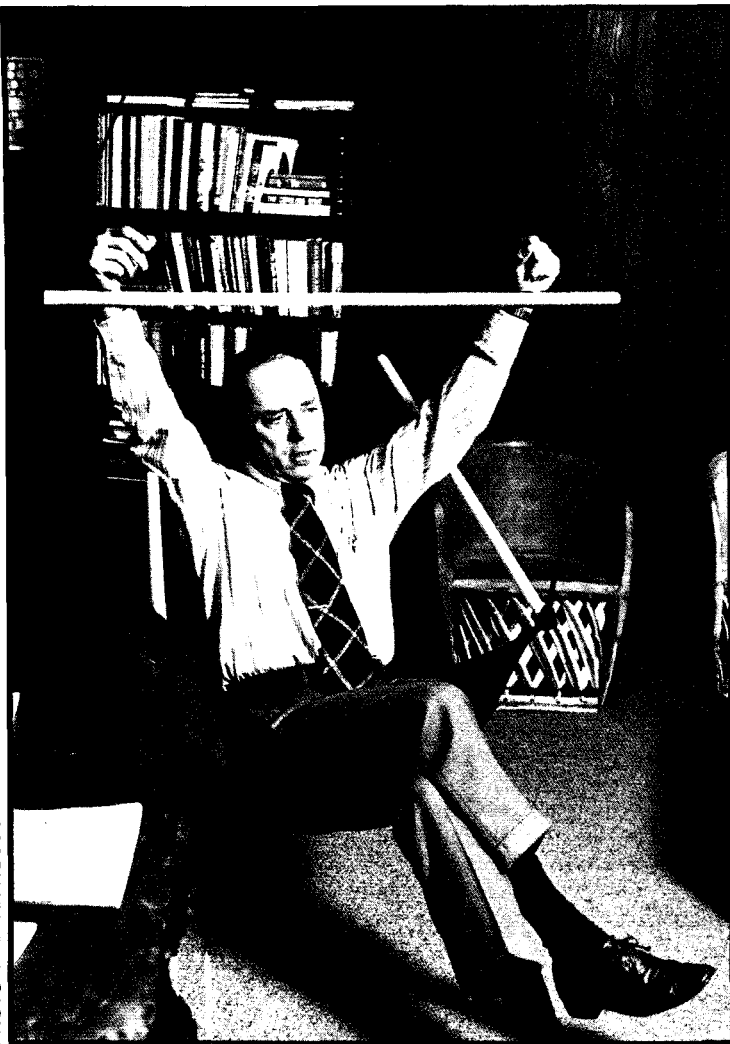
The "cards" Johnson has chosen to play are tacked along a wall of his office, where they provide a visible game plan. Nine three-by-five cards describe those issues he's concerned about — and beneath them are notes that record daily or weekly developments in each area. The cards are:

- **Energy and conservation** — Johnson's studies have impressed him with the way resources relate to history and the future of humanity: "We need to manage on the basis of the finite if we are to survive."

He wants balance in the quest for energy sources, noting that in 1977 about \$1.4 billion was spent nationally in support of nuclear research and development, but geothermal efforts got only \$53 million. Yet in California in 1975, geothermal equaled 40 percent of nuclear production of energy. He believes geothermal makes more sense than building dams. "We have an obligation to save the wild rivers," he maintains. Yet he is less opposed to hydro development than he is to nuclear: "Nuclear energy is an unfortunate direction for society . . . an absolute disaster from a capital standpoint."

- **Tahoe recreation area** — Rampant urbanization has left the Tahoe Basin in desperate condition. Because all previous control efforts have failed, Johnson has devised a program that would make the Tahoe Basin a National Rec-

Hal Rubin is a free-lance writer and professor of journalism at Sacramento State University.



recreation Area under the management of the U.S. Forestry Service. His plan would enable 17,000 owners of lots which can't be built on, to sell out to the federal government or swap lake area property for national forest land outside the basin in California or Nevada.

- **Federal holdings in California** — Federal agencies own 46 percent of all state lands and the feds have never managed the land adequately, Johnson charges. One of the biggest federal landlords, and one of the poorest overseers, is the Bureau of Land Management (BLM), he says. Johnson wants the BLM to do a better job managing grazing lands and recreational facilities.

- **Volunteerism** — Johnson believes grass-roots support is crucial for environmental and ecological programs, particularly in urban areas where the votes are. He is organizing a statewide, resource-oriented volunteer program. What he has in mind is exemplified in Riverside County, where volunteers built more than 100 miles of hiking and riding trails at no cost to the taxpayer.

- **Urban renewal** — This is a special passion with Johnson: "We have not kept up with the reality that America has become an urban nation." He is certain that programs imposed from above fail when people are not involved as participants. "You launch an idea, then you let it ripen and mature," he says, citing his Tahoe plan.

- **Land acquisition** — Land is the key to Johnson's philosophy. He sees land as the ultimate form of wealth and believes Americans have never appreciated public land as an asset. The state has had no guiding philosophy or centralized control point for dealing with publicly owned land, he charges: "State agencies have been buying and selling land with crazy results."

The state's philosophy, particularly in the Reagan years, was to sell off publicly owned land in order to get it back on

the tax rolls, Johnson says. But after studying land banking models in Switzerland and Sweden, he advocates a different approach: Since land is a finite resource, it should be held in public trust whenever possible. If circumstances warrant, the land could be leased to private firms for factories or other developments, providing state income in lieu of land taxes. In most instances, however, public lands should be set aside for public recreation, parks and gardens.

- **Reforestation** — Poor management of state forests has deprived California of employment and a major source of energy, Johnson says. About 25 percent of the state's potential forest lands are not economically productive. A member of Xi Sigma Pi, the national honorary forestry society, Johnson plans to restore more than four million acres to full productivity. His plan is to sell 28,000 acres of state redwood parks to the federal park system for a total of \$400 million. This would bring in \$20 million a year for 20 years, to finance the reforestation plan and provide money for city parks.

- **Applied research** — The state spends about \$60 million each year at the various University of California campuses on research, but most of that money is funneled into agricultural studies. Johnson said he has found a critical lack of information on the condition of the state forests, fisheries and pollution problems. To remedy this he wants to get at least \$15 million per year earmarked for applied research in areas where information for decision-making is lacking.

- **Budget** — Less than two percent of the state and federal budget is devoted to resources management. "We need at least six percent to do what needs doing," Johnson says.

The corporate view

The new secretary of Resources claims he has voiced his environmental and conservation ideas at cabinet meetings and hasn't been stifled once. But he doesn't expect the Governor's support for environmental positions unless there is also public support. That is why he is so concerned about involving the public, particularly in the state's urban centers.

Surprisingly, the man who listens for the sound of one hand clapping at the Zen Center is the same man who was recently chairman of the board of the Council on Economic Priorities, a New York-based research outfit concerned with the social responsibilities of our nation's corporations. Without sounding like a name dropper, he reports that America's corporate decision-makers, like David Rockefeller and Robert O. Anderson, head of Atlantic-Richfield, are genuinely concerned about environmental matters. He also says the chairman of the board of Dow Chemical Company really doesn't care what environmental quality rules are applied, as long as they are universally applied, because Dow would prosper under whatever competition. As Johnson interprets the signs, environmentalists are not anti-business and America's corporate leaders are not hell-bent on environmental destruction. He would like to bring the forces together.

Seated in the black canvas chair and looking out the picture window, Johnson has an outstanding view across the Sacramento Valley. It's a vista that encourages long-range perspectives. Although he describes himself as a dreamer, he is realistic about political appointments:

"Being here is my stint of public service. I was never in the military. One reason I took the job was that I felt I owed that to society for the education I got. I'll be here as long as I'm effective. With each major decision you tread on the toes of some special interest . . . I intend to make decisions that will probably lead to my early demise. It's important in any cabinet position to be a risk taker."

The Sundesert issue: nuclear safety or Brown politics?

By OTTO KREISHER

Most of the legislators who voted in 1974 to create the State Energy Resources Conservation and Development Commission thought they were setting up a one-stop permit agency. They assumed it would expedite the approval of facilities to meet California's future energy needs.

In recent months, however, an increasing number of legislators are beginning to wonder if something hasn't gone wrong with their creation. Their concern is prompted by the fact that in the 38 months it has been in existence, the commission has not approved a single power plant for construction.

Instead, the commission appears to have established an unofficial energy policy for the state that calls for greater dependence on oil and natural gas-burning facilities in the short run, until more exotic generating methods — such as geothermal, solar, wind and gasified coal — can be brought into large-scale use.

That energy policy apparently has no place in it for additional nuclear power in general — and no need for San Diego Gas & Electric Company's proposed Sundesert nuclear facility in particular.

In adopting that energy policy, the five-member commission is apparently reflecting the beliefs of Governor Jerry Brown. In January, during the briefing on his next state budget, Brown refused to rule out nuclear energy completely, but he said:

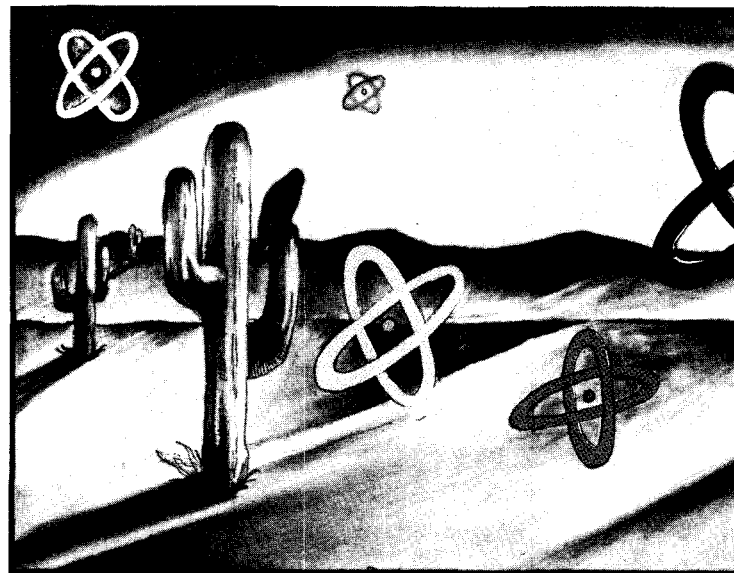
"My own personal belief is that California has a unique place on this planet. It's been a place of dreams. We can pursue a path of benign energy that will set an example that will protect future generations. I will do everything I can to bring that about."

True to his words, Brown and some important members of his administration have set the state on an energy path that bypasses the nuclear option. A crucial role in setting that path has been played by the Energy Commission, to the delight of environmentalists and the consternation of the power utilities and the nuclear industry. And the scenario of Sundesert suggests to some observers that technological and environmental issues have been overshadowed in recent months by political concerns.

The perfect test case

Sundesert was the first — and maybe the last — nuclear power plant to come before the commission for construction approval. Planning for the facility started in 1972 and was well advanced by the time it was brought before the commission in 1976. The roughly \$3 billion project called for two 950-megawatt reactors and supporting facilities to be built in the southeastern corner of the state, with the preferred

Otto Kreisher is the Sacramento-based political writer for the San Diego Union.



site on the barren Palo Verde Mesa just north of the Imperial-Riverside county line.

Supporters considered Sundesert a perfect test case for nuclear power in the state. They said it was a proven design, adopted from several facilities in operation or under construction in the East. The site was isolated from significant population, in an area of little value for other use and — a great rarity in this quake-prone state — in a location with no significant seismic history.

The plant would use agricultural waste water for its cooling towers. The biggest handicap for the project was its main sponsor, SDG&E. The state's smallest but fastest growing stockholder-owned utility, SDG&E was extending itself to the extreme to keep up with the energy needs of its burgeoning service area. As a result, bonding firms, the Public Utilities Commission and the Energy Commission all said SDG&E could not afford the 50 percent of the project it wanted to control. That financial question has not been resolved, although SDG&E insists it can pay its way.

Despite that problem, the project seemed to be moving along well through the Energy Commission's initial 18-month screening process, known as the Notice of Intention proceedings (NOI).

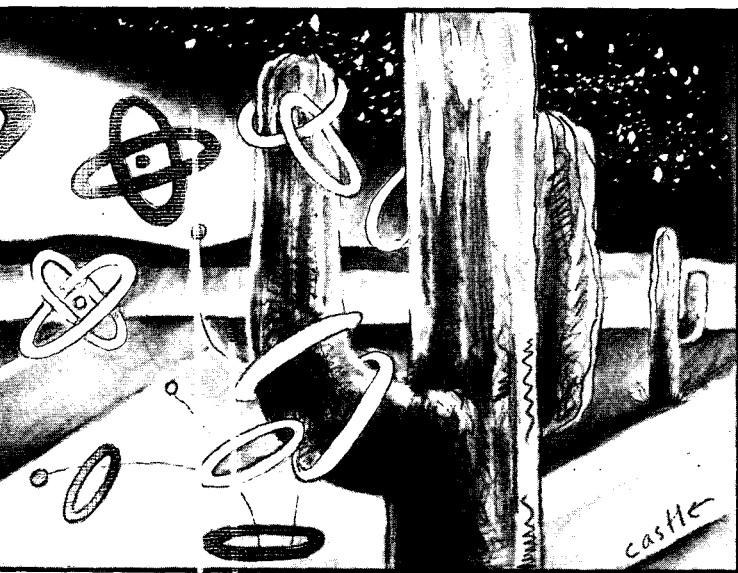
SDG&E and its seven partners — Los Angeles Division of Water and Power, the cities of Anaheim, Burbank, Glendale, Pasadena and Riverside and the state Department of Water Resources — felt they had proven their need for the power from Sundesert and the technical suitability of the site.

The commission staff agreed and issued a report on October 4th, 1977, recommending approval of the full project at the selected site. But it did suggest SDG&E's shares be reduced to 33 percent because of its financial limits.

The tide turns

Then, something started to happen to the process. The Sundesert script began to undergo revisions:

- **Scene One:** The first indication of trouble was the wide circulation of a supposedly internal memorandum prepared by James Harding, a special adviser to Energy Commissioner Ronald Doctor. Harding's 26-page memo blistered the findings of the commission staff that supported construction of Sundesert. It set the tone for what would become the prevailing commission view — that conservation, some additional oil or gas-fueled plants and future



alternative technologies would make the nuclear plant unnecessary.

Harding was an economist who had established some reputation in the energy field as an anti-nuclear expert for Friends of the Earth. His memo was attacked in turn by a 23-page critique prepared by Russ Miner, a staff engineer, and released by the chief of the energy assessment division. Miner said that Harding selected his data to make nuclear look expensive and fossil fuel cheap. He presented conflicting figures that showed nuclear cheaper in most cases.

- **Scene Two:** Huey Johnson, secretary of the Resources Agency, of which the commission is technically a part, visited the commission headquarters in an effort to talk to one of the key staff witnesses whose testimony had supported Sundesert.

Johnson brought with him David Pesonen, chairman of Californians for Nuclear Safeguards, the group that sponsored the anti-nuclear Proposition 13 on the June 1976 ballot. But the two men were blocked from meeting with the staff member by the commission counsel, who reportedly was concerned about the legal implications of such a session.

- **Scene Three:** In November, Commission Chairman Richard Maullin, who led the committee in charge of the Sundesert Notice of Intention (NOI) proceedings, issued his draft final report. Maullin concluded that SDG&E did need additional power in an amount about equal to its share of Sundesert, but noted that this need probably could be reduced by conservation. Maullin questioned, however, the claimed need for most of the other participants.

Still, Maullin recommended approval of both units of Sundesert, with some major conditions — including a requirement that SDG&E and its partners offer proposals for non-nuclear alternatives to Sundesert. SDG&E and the municipalities objected to Maullin's findings and many of the conditions, but were encouraged by the recommendation for both units.

- **Scene Four:** Yet when the final decision on the NOI came before the full commission on December 21st, Maullin's proposal was for approval of only one unit.

Up until the night before, Maullin had found a need for both of Sundesert's reactors. Some of the copies of the proposed final decision available at the hearing showed a need for two units and recommended approval of both. Maullin explained that when he drafted his final decision, he gave copies to the other commissioners and someone noted that his energy-need figures were based on 1988 when they should be for 1986. By rolling back two years, one unit was no longer needed.

The approval of the one reactor was saddled with 49 conditions, including the requirement for an intensive conservation program by all participants and the filing of new NOIs for alternatives to the nuclear project.

Although approval of the NOI technically cleared SDG&E and its partners for filing an application for certification, the final 18-month permit process, Sundesert had another major obstacle to overcome first. In 1976, the Legislature passed three bills dealing with nuclear powerplant safety as an effort to prevent passage of the highly restrictive Proposition 13. Two of those bills could affect Sundesert, forbidding the Energy Commission from certifying for construction any new nuclear facility until it could report to the Legislature that procedures were proven and operational to deal with the nuclear waste.

In an effort to circumvent that restriction, enacted four years after the project was conceived, SDG&E sponsored a bill, carried by Assemblyman Alister McAlister of San Jose, that could give Sundesert an exemption to the fuel laws. McAlister's AB 1852 ordered the Energy Commission to report on the status of the nuclear waste storage and reprocessing technology. And, if it found the waste problems unresolved, it was to tell the lawmakers whether or not Sundesert should be exempted.

A recommendation for exemption, the bill said, was to be based on a study of the need for additional electricity by the Sundesert participants and the extent to which that need could be reduced or replaced by conservation or by other means of generation. The commission was to report by January 16th and the Legislature was to act on the recommendation within 90 days.

When the Legislature pushed AB 1852 through in the final days of the 1977 session and Brown signed it, SDG&E thought it had a chance to save the project, which had cost nearly \$100 million by that time. Their optimism was unwarranted, however.

- **Scene Five:** Immediately after the NOI was approved, Maullin issued a warning about the AB 1852 process. He noted that a commission preliminary study had found the waste storage and reprocessing technology was not proven or operative, and then said: "Under this legislation, Sundesert could be licensed only if there is virtually no alternative, including conservation and all other electric generation resources, for meeting the electrical energy needs of its proposed participants."

That interpretation was contested by McAlister, who felt his bill required the commission to prove Sundesert was not needed, not the other way around, as Maullin indicated.

- **Scene Six:** Next came a pair of letters from Tom Quinn, chairman of the state Air Resources Board, declar-

ing that it was possible to build new fossil fuel plants in Southern California, despite the stringent air pollution control standards. He even said a coal-burning plant could be built, probably in Imperial County.

The utilities were amazed that Quinn — who had led the ARB in tightening the air pollution standards for stationary sources — should make such a declaration. SDG&E found it even more confusing when Quinn added, as a footnote to one letter, a statement that Sundesert would violate the air quality standards in its location because of mineral salt emissions from its cooling towers. SDG&E claimed that not only were cooling towers exempted from the partial emission standard, but that a coal-burning plant or other fossil fuel plant would use the same cooling towers.

Quinn's letters became a crucial part of the AB 1852 debate, since they seemed to clear the way for some alternatives to the nuclear plant. And other parts of the Brown Administration soon provided more support.

- **Scene Seven:** Priscilla Grew, the state conservation director, held a news conference, at the behest of Resources Secretary Johnson, to announce that geothermal power in Imperial Valley could be developed by the mid- to late-1980s and — along with a coal-burning plant — could replace Sundesert. Grew said that the state should take the risk that the technical problems of wet geothermal could be solved in time, rather than face the risk of nuclear waste.

- **Scene Eight:** Before the year was out, the Energy Commission staff issued its preliminary report on its AB 1852 study. It said that even though the Southern California region would need 500 megawatts of additional power by 1983 and would need 5,600 megawatts by 1990, this could be wiped out by conservation measures, resulting in no additional energy needs until 1991. The staff set forth numerous possible alternatives to the nuclear plant, including the new fossil fuel plants which Quinn said were acceptable.

Then, the staff said, in the 1980s energy needs could be met by geothermal, gasified coal and co-generation at industrial plants. After that, the exotic production technologies — such as wind, solar, photovoltaic and biomass — will be available, the staff said.

The heart of the staff's finding relied on two elements: its predictions of great savings by conservation, and its recommendation that all the utilities in the area be tied together in a common power pool, which would sharply reduce the needed reserve capacity.

Pooling, the utilities replied, is beyond the power of the state to order and probably would be found illegal under anti-trust laws. Even the staff noted that "major legal and institutional issues must be resolved to make greater regional power pooling a viable alternative."

Edison, which supposedly had no direct interest in seeing Sundesert approved, provided one of the sharpest critiques of the staff report. In a letter to the commission, Edison vice president Al Arenal said that "the hastily prepared staff report and supporting documents cannot survive even cursory review and appear to completely ignore the provisions in the Warren-Alquist bill" which require the state to assure adequate power supplies.

- **Scene Nine:** Although he repeatedly stated his neutrality on the AB 1852 process, Brown and his aides were helping provide ammunition to kill Sundesert. The Governor included in his proposed 1978-79 budget millions of dollars to promote alternative energy sources and, shortly before the commission was to act on AB 1852, he went to Mexico City to help push a proposed oil-burning power plant in Baja California from which SDG&E hoped to buy some surplus electricity. Brown and Public Utilities Commission Chairman Robert Batinovich, who attended the Mexico meeting, both said the Ensenada plant would make Sun-

desert unnecessary, assuming the energy could be bought.

That brought angry replies from SDG&E, which claimed power being bought from a foreign country could not be counted as baseload capacity for them, and from state labor leaders who protested the idea of scrapping a construction project in California in favor of one in Mexico.

All of the events occurring within the Brown Administration in late December and early January tended to minimize the need for Sundesert. Were they mere coincidences or were they part of an anti-Sundesert campaign?

On December 23rd a memo was prepared by Johnson and Business and Transportation Secretary Richard Silberman, both of whom have questioned the wisdom of building Sundesert. The six-page memo was entitled "Possible Administration Policy on Sundesert; Development of Alternatives to Sundesert." It resulted from meetings with these administration units: the two authors' agencies, the Energy Commission, the Public Utilities Commission, Department of Finance, ARB, and the Office of Planning and Research.

The document laid out a number of steps which could be taken to build alternatives to Sundesert — many of which have become part of the AB 1852 record.

Johnson and Silberman deny the memo was an administration game plan to kill Sundesert, although Johnson says, "It would be my personal game plan." But he adds, "I did it independent of anyone else." Johnson says he wishes the document were administration policy but that it has not been accepted as that.

Gray Davis, Brown's chief of staff, says the same thing. "We are not disavowing it," he says, "but on the other hand, it was not drafted with the idea toward developing an administration policy." Policy or not, the steps outlined in the memo were carried out, to the detriment of Sundesert.

As the date for the commission's decision on AB 1852 approached, SDG&E and its partners tried in numerous ways to prove that Sundesert was needed, and that none of the staff-proposed alternatives could be brought on line in time or at comparable cost. Various environmental groups fought just as hard to show the project was unnecessary.

The double whammy

Finally, on January 25th, the commission delivered a double blow to Sundesert. First, it adopted as final the findings that there were no existing or foreseeable means of handling the nuclear waste. Then it voted that Sundesert was not needed, that alternatives existed and the plant should not be exempted.

In making his final presentation to the commission, Executive Director James Walker felt compelled to insert in his prepared statement a defense of the staff. "I can assure you we did not start at the conclusions and work backwards," Walker said.

But that was exactly what a number of people believe they did. Said McAlister: "A very bad and totally political decision. It was essentially instrumented and orchestrated by the Governor for his own reasons. It obviously had nothing to do with the merits of the case."

SDG&E has said it will continue to put money into the Sundesert project until May 1st, and see what the Legislature does with a bill by Senator Newton Russell to overturn the commission decision and allow Sundesert to proceed. The bill cleared the Senate rapidly, but faced a difficult journey through the Assembly. Most observers believe that no more nuclear power plants will be built in California, at least in the foreseeable future.

Whether other means of electrical generation will develop in time will not be clear for years — by which time Governor Brown and the present members of the Energy Commission will be gone from state government. 🏠

CALIFORNIA JOURNAL

PRACTICAL GUIDE TO STATE AND NATIONAL CAMPAIGN REFORM LAWS 1978 - 79 Edition

BY LANCE H. OLSON



Reprints available

Additional copies of this booklet can be purchased from the California Journal Press at the following rates: 100 or more copies, 40 cents each; 11-99 copies, 50 cents each; 2-9 copies, 75 cents each; single copy, \$1. Please add 6 percent

sales tax to all but single-copy orders. Postage and handling are free on prepaid, Visa or Master Charge orders.

Send orders to **Journal Campaign Guide**, 1617 10th St., Sacramento 95814.

Introduction

In 1976, the *California Journal* published the first edition of this practical guide to campaign laws. It was designed to help Californians who are not attorneys and accountants — and even some who are — cope with the complex new rules of the political game resulting from the enactment of the Political Reform Act of 1974 by the voters of California and the passage of legislation creating the Federal Election Commission in 1971, 1974 and 1976. Prior to the enactment of these new laws, Californians didn't have to pay too much attention to the accurate and timely reporting of campaign financial activities. That is no longer the case. A great burden is now placed on the shoulders of those candidates, campaign officers and political committees who venture into the electoral thicket. Those who fail to meet the stringent requirements of the new laws now risk fines, embarrassment and possibly imprisonment.

The state Fair Political Practices Commission has served notice that it will prosecute even those who make inadvertent errors. And, in at least three instances, elected officials in the state have had their political careers damaged by actions of the FPPC because of alleged campaign-reporting violations.

The response to the 1976 booklet was so favorable that the *Journal* has decided to publish this updated version of

the guide in time to assist those participating in the elections of 1978. It is arranged in a logical sequence with a question-and-answer format showing precisely who must file what, when and where.

Campaign laws are being revised constantly through state and federal legislation, through rules and regulations of the Fair Political Practices Commission and the Federal Election Commission, and through decisions of the state and federal courts. It is possible that some of the provisions explained in this pamphlet may become obsolete within a matter of months. In fact, at the time this was written, there was a case pending in the courts that could invalidate the entire state Political Reform Act of 1978. Nevertheless, this booklet will provide the information that most Californians will need to comply with the law. Sources of more detailed information are listed on the back page.

We welcome comments and suggestions that will help us produce an even more useful publication in future years.

THE EDITORS

Lance H. Olson is a Sacramento attorney specializing in political-reform law and the former editor and publisher of the Campaign Law Reporter.

CALIFORNIA LAW

What is the basic purpose of the 1974 Political Reform Act's campaign provisions?

According to the Act, also known as Proposition 9, the "receipts and expenditures in election campaigns should fully and truthfully be disclosed in order that the voters may be fully informed and improper practices may be inhibited." To accomplish that purpose the Political Reform Act requires candidates, persons thinking of running for office, committees supporting candidates for state and local office, and committees supporting or opposing ballot measures to file periodic reports disclosing detailed financial contribution and expenditure information.

Who must file

At what level of government does the Political Reform Act apply?

Proposition 9 applies to candidates, committees, elected officeholders and committees supporting or opposing ballot measures at ALL levels of state and local government. Thus, candidates for school board as well as state office seekers are covered by the Act. Even elections to county central committees of political parties are included. And committees supporting or opposing county or city propositions are covered by Proposition 9 the same as committees involved with a statewide ballot measure election. Persons and organizations supporting or opposing only federal candidates are governed by federal law and not Proposition 9.

Who is an elected officeholder?

Any individual who holds a state or local elective office is an elected officeholder. This includes state, county, city,

judicial, special district and county central committee offices.

Who is a candidate?

Proposition 9 broadly defines "candidate" to include not only individuals who are listed on a ballot, but also individuals who

1. have qualified to have write-in votes counted,
2. have received a contribution or made an expenditure to get themselves nominated or elected to any elective office (even though they have not declared their candidacy for the office or later changed their minds),
3. have consented to permit other persons to receive a contribution or make an expenditure on behalf of themselves, or
4. are the subject of a recall election.

The definition of "candidate" includes not only winning but also losing and write-in candidates.

What is a committee?

Under California law there are three types of committees which must file campaign reports. An individual, firm, business, partnership, corporation, association, trust, company or any other organization or group of individuals acting together may become a committee, including a committee or subcommittee of any national, state or local political party. They must be acting, directly or indirectly, for the purpose of influencing voters for or against a candidate or any ballot measure. If they do any of the following in a calendar year they will become a committee:

1. **Recipient Committee** — raise \$500 or more in a calendar year.
2. **Independent Expenditure Committee** — independently spend \$500 (as distinguished from contributing cash, checks, services, or something of

benefit to a candidate or other committee) in support of a candidate or measure in a calendar year. This type of committee must not be controlled directly or indirectly by a candidate or his/her committee (or a ballot measure committee) and must not act jointly with a candidate and his/her committee in connection with the making of expenditures.

3. **Major Donor** — cumulatively contribute or loan \$5,000 or more to candidates or committees.

Most political committees are “recipient committees” in which individuals collect \$500 for later use in an election. The “independent expenditure committee” is less common, but usually includes situations in which someone has decided to spend \$500 of his/her own funds on behalf of a candidate or ballot measure completely independently of the candidate or campaign committee. Examples include purchase of a billboard or newspaper advertisement. A person does not become an “independent expenditure committee” by donating \$500 in non-monetary contributions (example: office space) to a candidate or committee.

“Major donor” committees generally include those affluent individuals or corporations contributing \$5,000 or more directly to candidates or ballot-measure committees. The \$5,000 need not be to one individual or group, but is the total contributed to all candidates (state or local) and committees in a calendar year.

Can one individual be a committee?

Yes. An individual may become either a “recipient committee,” an “independent expenditure committee,” or a “major donor committee.”

Must the committee register?

Only “recipient committees” must register by filing a Statement of Organization (FPPC Form 410). And they must do so with the Secretary of State within 10 days after it is formed. The Secretary of State will assign a number to the committee which must be used on all campaign reports.

Can the committee amend its Statement of Organization?

Yes. In fact, if the information on the Statement of Organization changes, the Secretary of State must be notified within 10 days in writing.

When can a committee terminate?

“Recipient committees” do not automatically terminate and may or may not terminate under the following circumstances:

1. they have ceased to receive contributions or make expenditures and do not anticipate receiving contributions or making expenditures in the future; and
2. they have eliminated or have declared that they have no intention or ability to discharge all their debts, loans received and other obligations; and
3. they have no surplus funds; and
4. they have filed all required campaign statements disclosing all reportable transactions.

“Recipient committees” are not considered terminated unless they file the necessary termination statement (Form 415) with the Secretary of State’s Office. A copy must also be sent to the filing officer with whom campaign statements have been filed.

“Independent expenditure committees” and “major donors” automatically terminate at the end of each calendar year but they may still be required to file campaign

statements for election activities commenced before the end of that calendar year.

Must a committee have a treasurer?

Yes. ALL committees (recipient, independent expenditure and major donor) must have treasurers. No contribution or expenditure may be accepted or made by a committee without a treasurer. The treasurer has responsibility for registration, record keeping, filing of campaign reports, receipt of contributions and approval of expenditures. Personal funds may not be mixed with campaign funds. Contributions received by agents of the committee (i.e., paid staff and volunteers working for the committee) must be promptly reported to the treasurer.

Must all candidates have committees?

No. There is no requirement that a candidate form a “recipient committee” on his or her behalf. However, the candidate must still file a campaign statement disclosing receipts and expenditures similar to a “recipient committee.” If the candidate does form a committee (example: Friends of Jones) and it registers with the Secretary of State, he or she must either file a candidate campaign statement (even though all contributions received and expenditures made are disclosed on the committee’s statement) or file a consolidated campaign statement (form 490) covering the activities of both the candidate and the committee.

Must persons attempting to qualify a ballot measure (local or state) meet special filing requirements?

Yes. Proponents and opponents of proposed ballot measures must file campaign statements whether they succeed in qualifying the measures or not.

However, proponents of local ballot measures who do not qualify as “committees” are not obligated to file. Committees supporting or opposing the qualification of a state or local measure must file by the deadline set for state proponents. This requirement applies whether or not the proponents qualify as a “committee.”

What must be disclosed

Are specific forms available to be used by those required to file?

Yes. The following forms must be used:

FORM 400: DECLARATION OF FINAL CAMPAIGN STATEMENT. For use by committees as an attachment to a pre-election campaign statement when it is not anticipated that any additional contributions will be received or expenditures made in connection with the election.

FORM 405: AMENDMENT TO CAMPAIGN DISCLOSURE STATEMENT. For use by persons amending reports previously filed.

FORM 410: STATEMENT OF ORGANIZATION: This form must be filed by all committees which receive contributions of \$500 or more during a calendar year (“Recipient Committees”), “Independent Expenditure Committees” and “Major Donor Committees” do not file Statements of Organization.

FORM 415: RECIPIENT COMMITTEE TERMINATION STATEMENT. For use by “Recipient Committees” which are no longer active.

“Independent Expenditure” and “Major Donor Committees” do not use Form 415 because they terminate automatically at the end of each calendar year and must requalify in another year before they incur additional filing obligations.

FORM 420: COMMITTEE CAMPAIGN STATEMENT. This form may be used by any committee. However, committees which receive a cumulative contribution of \$50 or more from a single source must file this form.

FORM 421: VOLUNTARY REPORT OF NO ACTIVITY. For use by committees which have no obligation to file in connection with an election and which have not been raising or spending money during a semi-annual filing period. The purpose of the voluntary report of no activity is to assist local filing officers, the Secretary of State and the public in keeping an accurate assessment of which committees are currently active.

FORM 430: CANDIDATE'S CAMPAIGN STATEMENT. This form must be used by all candidates and elected officeholders not eligible to use the short Form 470, and who choose not to use Consolidated Form 490.

FORM 450: RECIPIENT COMMITTEE CAMPAIGN SHORT FORM. This form may be used by “Recipient Committees” if no single source contributes \$50 or more cumulatively since the committee filed its last post-election statement. If single-source contributions of \$50 or more have been received, Form 420 must be used.

FORM 461: EXPENDITURE AND MAJOR DONOR COMMITTEE CAMPAIGN STATEMENT. For use by “Independent Expenditure Committees” which make independent expenditures of \$500 or more in a calendar year and “Major Donor Committees” which make contributions or expenditures of \$5,000 or more in a calendar year.

FORM 470: CANDIDATE AND OFFICEHOLDER CAMPAIGN STATEMENT SHORT FORM. For use only by those candidates and elected officeholders who have neither raised nor spent more than \$200, or in whose behalf not more than \$200 has been raised or spent since the closing date of the most recent post-election statement or since the first reportable transaction if the candidate or officeholder has not previously filed a post-election statement.

FORM 480: ABBREVIATED CAMPAIGN STATEMENT. For use by all campaign committees which make contributions or expenditures totaling \$250 or more to support or oppose a single candidate or measure in a local or special election when:

1. the election in which the committee is participating is not held on the same day as the direct state primary election (June 6, 1978) or general election (November 7, 1978); and
2. the committee is not controlled by one or more candidates in the local or special election; and
3. the principal political activity of the committee does not relate to any candidate or measure in the local or special election.

Form 480 is for use also by campaign committees which make contributions or expenditures totaling \$250 or more to support or oppose the qualification of a state or local measure if the principal political activity of the committee does not relate to the qualification of that measure.

FORM 490: CONSOLIDATED CAMPAIGN STATEMENT.

For use by a candidate filing jointly with one or more of the candidate's committees.

Where can the forms be obtained?

The forms can be obtained from the Secretary of State, Political Reform Division, P.O. Box 1467, Sacramento 95807; the FPPC, 1100 K St., Sacramento 95814 or 107 South Broadway, Los Angeles 90012, and from local county and city clerks.

What must be disclosed on a campaign statement?

In summary form, the total of all monetary contributions, unpaid loans, non-monetary contributions, payments, accrued expenses and cash on hand. In addition, separate schedules must be completed disclosing all monetary contributions from “committees” and others, all loans received and repaid (or forgiven), all non-monetary contributions, all pledges, all payments made to “committees” and to others, and all accrued expenses.

Must certain transactions be disclosed in detail?

Yes. All contributions received (monetary and non-monetary), all loans received, all pledges, all payments and all accrued expenses that total \$50 or more in an election cycle must be itemized. Monetary contributions from committees of \$50 or more must include the date received, name of committee, the committee's registration number, the amount and the cumulative amount to date. Monetary and non-monetary contributions and loans from others of \$50 or more must list the date, name and address, occupation and employer of the contributor, amount and cumulative amount to date. Expenditures of \$50 or more must include the name and address of the payee, description of services and the amount.

What is a contribution?

The word “contribution” includes a payment, gift, advance, dues, loan, enforceable promise of money or anything of value (pledge) unless it is clear from the surrounding circumstances that it is not made for a political purpose. It includes purchases of tickets for dinners and other fund-raising events, the candidate's own money, discounts or rebates not available to the general public, services of an employee donated by his employer, forgiveness of a loan or payment of a loan by a third party, and a transfer of anything of value from one committee to another committee.

Does “contribution” include voluntary personal services?

No. A “contribution” does not include volunteer personal services provided without compensation and payments made by an individual for personal travel expenses, if these payments are made voluntarily, without any understanding or agreement that they will be repaid.

How do you determine the value of a non-monetary contribution?

The fair market value of goods or services contributed to the campaign determines the amount of a non-monetary contribution.

If a contribution from a third person is delivered by someone other than an agent of the campaign (persons working in the campaign are generally considered agents), what must be reported?

If someone other than an agent of a campaign delivers a contribution from someone else, both the original

contributor and intermediary must be disclosed on the campaign statement regardless of the amount of the contribution. Thus, even a \$10 contribution brought to the campaign by an intermediary of the donor must be itemized in full.

What is a pledge?

A pledge is an enforceable promise (i.e., contract) to make a contribution to the campaign. Although the law does not specify, to be enforceable the pledge probably would have to be in writing.

Is a loan always a contribution?

A loan received by a committee or candidate is a contribution unless the loan is by a commercial lending institution made in the ordinary course of business. In that case, it is not a contribution and the bank need not worry about becoming a "major donor" committee. Although the loan may not be a contribution, it must be reported by the candidate or committee if used for political purposes.

How should expenditures made to an agent or independent contractor (e.g., an advertising agency) be reported?

Expenditures to an advertising agency (or anyone else who does not provide the actual goods or services to the campaign) must be itemized to show both the person receiving payment from the campaign and the person performing the service. Thus, a payment of \$5,000 to an advertising agency must show not only this expenditure, but also the entities actually providing the services (television and radio stations for advertising spots, for example). The amount paid to the entities providing the service must be itemized regardless of whether it is \$50 or more. The payment can be reported as a single total amount paid to an agent if the agent is also filing a statement disclosing the expenditures. Overhead and normal operating expenses are exempt from this full-disclosure requirement.

What are accrued expenses?

Accrued expenses are those bills owed by the candidate or committee at the closing date for reporting campaign transactions. An expenditure is accrued when the goods or services are received.

What is meant by "cumulative amount"?

As noted above, certain campaign transactions (contributions, loans) require the disclosure of cumulative amounts. Cumulative amount means the combined amount contributed or loaned from a single source since the "closing date" of the last campaign statement (known as a post-election statement) of the most recent past election. (Note: The "off-year" statements, discussed below, due in July and January, are not post-election statements.) If a filer has never filed a post-election statement, then the cumulative amount would begin from the first reportable transaction and end on the closing date of the present statement.

If a person contributes less than \$50 during the first reporting period of an election and later contributes enough to equal or exceed \$50, must the contributor then be disclosed individually?

Yes. This is how the cumulative amount works. Once a person equals or exceeds \$50 in a single election he must be individually disclosed on the next statement for that election.

What is an election?

Each election (primary, general, special, runoff) is considered a separate election. Thus, the only relationship between successive campaigns (primary — general) is "carrying forward" the campaign's cash balance. In other words, each campaign begins anew in reporting receipts and expenditures.

What is a closing date?

At the end of each reporting period in an election (there are three in each election) a date is set through which all campaign transactions must be reported. Generally the closing date is three days prior to when the report is due.

Can campaign reports be amended?

Yes. Form 405 is specifically for this purpose. Amending an incomplete or incorrect report is considered evidence of good faith.

When to file statements

How many campaign statements must be filed in a June primary or November general election of even-numbered years for candidates and committees?

In even-numbered years, elected officeholders, candidates and/or committees supporting or opposing candidates or ballot measures must file two pre-June primary election statements, one post-primary statement, two pre-November general election statements and one post-general election statement. The candidates and supporting committee and ballot-measure committee filing deadlines for the 1978 primary and general elections follow:

PRIMARY ELECTION — JUNE 7, 1978

BEGINNING DATE	CLOSING DATE	FILING DEADLINE
Closing date of last election statement if filed for an election from 7/1/77 through 12/31/77		
OR		
1/ 1/78	4/23/78	5/ 1/78
4/24/78	5/22/78*	5/25/78
5/23/78	6/30/78	7/31/78

GENERAL ELECTION — NOVEMBER 7, 1978

BEGINNING DATE	CLOSING DATE	FILING DEADLINE
7/ 1/78	9/23/78	10/ 2/78
9/24/78	10/23/78*	10/26/78
10/24/78	12/31/78	1/31/79

*See below for special reporting requirement for late contributions of \$1,000 or more.

What are the filing dates for most other elections (primarily local elections that do not have runoff elections)?

Candidates, supporting committees and committees supporting or opposing ballot measures for elections not held on the first Tuesday after the first Monday in June and November of even-numbered years must file statements not later than 40 days prior to the election, not later than

12 days prior to the election and not later than 65 days after the election.

The closing date for each of the pre-election campaign statements is three days prior to the filing deadline. For the post-election report, the closing date is seven days prior to the deadline.

Do separate filing dates apply to special elections and runoffs?

Yes. A different schedule for the filing of campaign statements must be followed in the case of any other election for an office for which there is, or may be, a runoff within 60 days of the first election.

The pre-election statements are due:

- 40 days prior to the first election;
- 12 days prior to the first election;
- 12 days prior to the runoff, special or general.

The post-election statement is due:

- 65 days after the runoff, special or general.

The "closing date" for the three pre-election statements is three days before the filing deadline. The closing date for the post-runoff statement is seven days before the due date.

A candidate who is unsuccessful in the special primary election and committees supporting only unsuccessful candidates need not file the campaign statement between the primary and the runoff. But the unsuccessful candidate and the committees must file a post-election statement no later than 65 days after the final election. If the entire election is decided in the first election, the post-election statement is due no later than 65 days from that date.

Must multi-support committees (committees which contribute to several candidates and ballot measures) file in each election in which they contribute?

Yes, and they generally must file reports for each period during that election. However, if the multi-support committee contributes during a pre-election reporting period, files for that period and determines it will receive no more contributions and make no further expenditures related to the election, it may designate the report a "final statement" (form 400). By doing this, the committee makes it unnecessary to file any subsequent pre-election or post-election statements related to that election. Instead of filing a regular campaign statement (form 420 or 490), the committee may file an abbreviated statement (form 480) if it is filing in a local or special election and contributions or expenditures equal \$250 or more. The "final statement" becomes the post-election statement for future reporting periods unless the committee filed an abbreviated campaign statement (form 480), in which case the cumulative total requirement begins with the last post-election report.

Must contributions received or given in the last two weeks before an election be reported?

Yes. If the contributions or loans aggregate \$1,000 or more and are given or received after the closing date of the last pre-election report and before the election, they must be reported within 48 hours. Both the donor (if a candidate or a committee) and the recipient must report the date, amount and full identification of the contribution by telegram or personal delivery to the filing officers where campaign reports were filed. The recipient must also

report the name, address, occupation and employer of the contributor.

Must campaign statements be filed at times other than during elections?

Yes. Proposition 9 requires two semi-annual "off-year" reports to be filed by elected officeholders during non-election years. The officeholder must file even though he or she has not received a contribution nor made an expenditure. However, if the officeholder filed a campaign statement in connection with any other election during the preceding six-month period, he or she need not file an "off-year" statement.

All candidates who are not officeholders are required to file "off-year" campaign statements if they have received contributions, made expenditures or given their consent for any other person to receive contributions or make expenditures with the aim of bringing about their nomination or election to any elective office. If they were required to file campaign statements in connection with any election or elections held during the six-month period, they need not file an "off-year" statement for that period.

All committees, "recipient," "independent expenditure" and "major donor," supporting state and local candidates or supporting or opposing ballot measures must file "off-year" campaign statements if they have received contributions or if they have made expenditures in support of or opposition to candidates or measures. If they were required to file campaign statements in connection with any election or elections held during the six-month period, they need not file an "off-year" statement for that period.

Note that any committee which filed an abbreviated campaign statement (form 480) in connection with an election held during the "off-year" is not relieved from filing an "off-year" statement.

Are there exceptions to the number of campaign statements which must be filed?

Yes. Elected officeholders whose salaries are less than \$100 a month and judges need not file "off-year" campaign statements unless they receive contributions or make expenditures during the period. Incumbent candidates for judicial offices whose names do not appear on the ballot because they are unopposed need file only a single post-election statement after the general election. This statement must cover both the primary and general election and must be filed by January 31st, with a closing date of December 31st. Committees supporting or opposing such candidates, however, must file pre-election and post-election campaign statements. A candidate for county central committee who receives no contributions need file only one statement by July 31st following the election, with a closing date of June 30th; if the candidate has received contributions for that election, the candidate must file three statements, two before and one after the election.

What are the filing deadlines for proponents and committees supporting or opposing the qualification of a measure?

Committees supporting or opposing the qualification of a measure and proponents of a state measure must file campaign statements not later than 35 days after the deadline for filing petitions or the date of notification that

the measure has either qualified or failed to qualify, whichever date is earlier. The closing date for such a statement is 28 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever date is earlier.

Where to file statements

Where must campaign statements be filed?

Campaign statements should be filed as follows: Statewide candidates, Supreme Court justices, state central committees of political parties, and supporting committees, or committees supporting or opposing statewide measures: Original plus one copy with the Secretary of State, P.O. Box 1467, Sacramento, CA 95807; two copies with the registrar recorder of Los Angeles County, Campaign Reporting Unit, 808 No. Spring St., Los Angeles, CA 90012; two copies with the clerk of the City and County of San Francisco (or registrar of voters of City and County of San Francisco, Campaign Statements, Room 155, City Hall, San Francisco, CA 94102).

Candidates for Legislature, Appellate and Superior Court, and State Board of Equalization and supporting committees: Original and one copy with the Secretary of State; two copies with the clerk of the largest county by population which in whole or part is included in the election district (or officeholder's district), and two copies with the clerk in candidate's county of residence or the domicile of the donor committee (out of state file in Los Angeles). No more than two copies go to any one county. Committees supporting more than one candidate file only in the largest county represented and not in the largest county of each candidate's district. A committee's domicile is the address on the campaign statement.

Other multi-county candidates and measures and supporting committees (but not statewide): Original and one copy with the clerk of the county having the largest population; two copies with the clerk of the county where the candidate (officeholder) resides or where the committee is domiciled (see domicile rule above).

Single-county candidates and measures and supporting committees: Original and one copy with the city clerk.

Single-county candidates and measures and supporting committees: Original and one copy with the county clerk.

County central committees: Original and one copy with the Secretary of State; two copies with the county clerk.

How may the statements be filed?

Campaign statements may be delivered by hand, but they must arrive by the deadline. Statements sent by first-class mail are considered received on the date of deposit in the mail. If lost in the mail, the candidate or committee must possess a post-office receipt showing that the report was mailed.

Prohibitions

Are anonymous contributions prohibited?

Donors cannot make anonymous contributions of \$50 or more in a calendar year. Any anonymous contribution of \$50 or more received by a committee must be turned over to the Secretary of State.

Does Proposition 9 limit cash transactions?

Yes. No monetary contribution or expenditure of \$50 or more may be made in cash. Transactions of \$50 or more must be made by check or other instrument containing the payee's or donor's name. All non-monetary (in-kind) contributions of \$50 or more must be reported in writing by the contributor to the recipient.

Are lobbyist contributions prohibited to state candidates?

Absolutely. In addition, a lobbyist may not act as an intermediary for a campaign contribution or "arrange for" a contribution. State campaigns are equally prohibited from accepting lobbyist donations.

Lobbyists may, however, contribute to local and federal elections (of candidates who are not state officials) and ballot measures.

What must be printed on campaign materials?

The California Elections Code requires that the name and address of the person responsible or, in the case of committees registered with the Secretary of State, the name and address of the committee be on all printed campaign materials (brochures, envelopes, letterheads, lawn signs, etc.).

Are there rules governing mass mailings by campaigns?

Yes. All mass mailings (200 or more pieces of identical material mailed in a calendar month) must show on the envelope and at least one insert piece the sender's name and address in a six-point type or larger. A post office box is permitted if the committee address is a matter of public record with the Secretary of State. Copies of mass mailings in support of or opposition to a state candidate or state ballot measure must be sent to the Fair Political Practices Commission on the same day it is mailed to the general public.

Mass mailings may be mailed by bulk rate, postage meter or postage stamp.

Are there limitations on what anyone may contribute to a candidate or ballot measure campaign?

California law imposes no restrictions on how much any one person (except lobbyists) or organization may give to a political campaign at the state or local level. Unlike federal law, corporations and labor unions are not prohibited from contributing to state or local races by state law. Nor are candidates limited by what they may give to themselves. However, some local jurisdictions have restricted the amount persons, corporations and unions may contribute in local elections.

Does California law restrict expenditures by campaigns?

No. Candidates and supporting committees may spend unlimited amounts in the election.

Miscellaneous

Must candidates and committees be concerned with tax considerations?

Yes. The diversion of campaign funds to personal use will make it taxable as income. And any income over \$100 per year (interest, dividends, sale of assets, etc.) earned from contributions requires the candidate, officeholder or committee to pay income taxes. Also, certain Internal

Revenue Service rules must be followed to allow contributors to take the \$100 per taxpayer tax deduction (or \$50 tax credit) permitted under federal law.

Will campaigns be audited?

The Franchise Tax Board MUST audit all the following candidates and committees (which file campaign statements with the Secretary of State):

Each CANDIDATE who has received more than 15% of the total vote cast for the office for which he or she was running in either the general or special election.

Each CANDIDATE running in a primary, general or special election for whom the Franchise Tax Board determines that more than \$25,000 has been spent, whether by the candidate or a committee supporting the candidate or both.

All COMMITTEES supporting candidates specified above and committees supporting more than one candidate required to be audited as set forth above.

Each COMMITTEE required to file statements with the Secretary of State (except for "major donors") which the Franchise Tax Board determines has spent more than \$10,000 in any calendar year.

Must candidates disclose certain personal financial activities?

Yes. Proposition 9 requires financial disclosure of investments and real property by candidates and income, investments and real estate holdings by officeholders at both state and local levels.

Are campaign laws at other levels of government applicable?

Yes. Many California local governments have enacted comprehensive campaign ordinances which add regulations beyond Proposition 9. The local ordinances should not be overlooked.

FEDERAL LAW

What is the basic purpose of the Federal Election Campaign Act?

The federal law requires candidates, political committees and, in some instances, individuals to keep full and accurate records of political financial transactions and to file periodic public reports disclosing these transactions. The law also sets limits on the amount of money individuals and groups may contribute to federal candidates. It further provides public financing for qualifying presidential campaigns.

Who administers the Federal Election Campaign Act?

The Federal Election Campaign Act is administered by the Federal Election Commission (FEC), 1325 K St. NW, Washington, D.C. 20463. In addition, the clerk of the House of Representatives and the secretary of the Senate, Washington, D.C. 20510, have filing responsibilities.

Who must file

Who must file campaign statements under federal law?

Only candidates seeking nomination or election to federal office (President, Vice-President, United States Senate and House of Representatives), political committees supporting those candidates and certain private groups involved in federal elections are governed by the filing requirements of the Federal Election Campaign Act.

Are candidates for state or local office and their committees required to file federal campaign statements?

No. Note, however, that if receipts and expenditures for state or local candidates are not segregated from those for federal office seekers, all must be reported under federal law.

What constitutes an "election" under federal law?

The term election includes not only general, primary, special and runoff elections, but also conventions, caucuses and preference primaries.

Who is a federal candidate?

An individual who seeks nomination or election to a federal office is considered a candidate. This occurs when an individual

1. takes action to qualify under state law for nomination or election in a federal primary, runoff, special or general election, convention or caucus.
2. receives contributions or makes expenditures, or gives consent to others to receive contributions or make expenditures with the view of bringing about his or her election to federal office.
3. fails to disavow fundraising or expenditures on his/her behalf by someone else after 30 days notice by the FEC.

What are the registration requirements for federal candidates?

Within 30 days after attaining federal candidate status, an individual must file a Statement of Candidate for Nomination or Election to Federal Office (FEC form 2). If the candidate intends to receive all contributions and make all expenditures through his/her committee, the candidate may sign a waiver on form 2 which relieves him/her from filing personal campaign reports (all transactions would then be reported by the candidate's committee). House candidates register with the clerk of the House, Senate candidates with the secretary of the Senate and presidential candidates with the FEC. The registration requirement applies to officeholders who run for reelection or another federal office.

Are all federal candidates required to designate a campaign committee for reporting purposes?

Yes. All candidates for federal office must designate a political committee as the "principal" campaign committee. This "principal" campaign committee may not support more than one candidate although occasional or incidental support (\$1,000 maximum contribution or expenditure per election) of another candidate is permitted.

What is a political committee?

A political committee is any committee, club, association or group of persons receiving contributions or making

expenditures that total more than \$1,000 (similar to California's "recipient committee") for federal elections during a calendar year. Federal law does not define as committees persons or groups which directly contribute money (California's "major donor committee") or which independently make expenditures on behalf of a candidate (California's "independent expenditure committee"). However, these persons may still have to report. The FEC has sub-defined several types of political committees, including:

1. **Principal campaign committee.** "Principal campaign committee" means the political committee designated by a candidate as his or her principal campaign committee.
2. **Single candidate committee.** "Single candidate committee" means a political committee other than a principal campaign committee which makes or receives contributions or makes expenditures on behalf of only one candidate.
3. **Multicandidate committee.** "Multicandidate committee" means a political committee which (i) has been registered with the FEC Clerk of the House or Secretary of the Senate for at least 6 months; (ii) has received contributions for federal elections from more than 50 persons; and (iii) (except for any state political party organization) has made contributions to 5 or more federal candidates.
4. **Party committee.** "Party committee" means a political committee which represents a political party and is part of the official party structure at the national, state or local level.

In addition, the FEC has determined that all political committees are either authorized committees or unauthorized committees. An "authorized committee" is a political committee which is empowered in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate. A principal campaign committee is authorized. An "unauthorized committee" is a political committee which has not been authorized in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate.

Must a political committee have both a chairman and treasurer?

Yes. Contributions may not be received when there is a vacancy in one of these offices. Further, all expenditures must be authorized by one of these officers or appointed agents. The treasurer is responsible for keeping an account of all contributions and expenditures, and for the timely and accurate filing of committee reports.

Must political committees register?

Each political committee which anticipates receiving contributions or making expenditures totaling more than \$1,000 during the calendar year must register within 10 days after its organization or 10 days after it determines it will receive or expend over \$1,000 by filing a Statement of Organization (FEC form 1). Political committees supporting only House candidates and a House candidate's principal campaign committee register with the clerk of the House. Political committees supporting only Senate candidates and a Senate candidate's principal campaign committee register with the secretary of the Senate. All other committees register with the FEC. Once a committee registers, it will be issued an identification number.

Must a person (other than a political committee or

candidate) file a campaign statement with the Federal Election Commission?

Any individual, association, partnership or group which makes an independent expenditure (other than to a political committee or candidate) of more than \$100 in a calendar year must file a statement with the FEC (FEC form 5). The statement contains information regarding the nature of the expenditure.

An independent expenditure is one which is for a communication expressly advocating the election or defeat of a candidate which is not made in cooperation or consultation with a candidate or authorized committee of that candidate.

While this provision is similar to California's "independent expenditure committee," a person who makes more than a \$100 contribution or expenditure is not a "committee" under federal law. If the person contributes the money directly to the federal candidate or political committee he need not file a statement regardless of the amount.

Note: A political committee may also make independent expenditures and, if it does so, must report these on a separate schedule of its campaign report.

What must be disclosed

Are forms available for persons required to file?

Yes. Forms are available from the FEC, clerk of the House and secretary of the Senate. The most commonly used forms are:

FEC FORM 1: STATEMENT OF ORGANIZATION FOR A POLITICAL COMMITTEE. Used to register committees supporting federal candidates which anticipate contributing or expending in excess of \$1,000 in any calendar year in support of such candidates. May also be used to reflect any amendments.

FEC FORM 2: STATEMENT OF A CANDIDATE FOR NOMINATION OR ELECTION TO FEDERAL OFFICE. Once attaining federal candidate status, individuals use this form to register and designate principal campaign committees.

FEC FORM 2a: CANDIDATE AUTHORIZATION OF A POLITICAL COMMITTEE OTHER THAN A PRINCIPAL CAMPAIGN COMMITTEE. In addition to a principal campaign committee, an individual may designate as many other authorized committees to act on his/her behalf as desired by using this form. These committees must be authorized in writing by the candidate and must file statements of organization (form 1).

FEC FORM 3: REPORTS OF RECEIPTS AND EXPENDITURES. This is the form used by candidates (if they do not obtain a reporting waiver) and committees in reporting all financial transactions, including contributions and expenditures.

FEC FORM 3a: POSTCARD FORM. This is a postcard form which may be used in lieu of form 3 by a political committee or candidate when filing quarterly reports (see below) if receipts and expenditures are below certain amounts.

FEC FORM 3b: CONSOLIDATION REPORT OF RECEIPTS AND EXPENDITURES. This form is used by a principal campaign committee if the candidate has filed a separate form 3 (i.e., has not received a personal waiver) or if the

candidate has authorized other political committees.

FEC FORM 5: REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS.

This is the form used by every person (other than a political committee or candidate) who makes independent expenditures or contributions in an aggregate amount in excess of \$100 within a calendar year.

FEC FORM 6: REPORT OF RECEIPTS AND EXPENDITURES — SHORT FORM.

This form may be used by any candidate or principal campaign committee in cases where gross receipts or expenditures do not exceed \$50,000 per election. The form may not be used if the candidate has authorized committees other than the principal campaign committee.

What information is required to be reported by a candidate or political committee?

In summary form, the total of all contributions, expenditures and cash on hand.

By item, all transfers to and from other political committees or federal candidates regardless of the amount.

By item, all contributions over \$100 — including contributor's name, home address, occupation, principal place of business (employer name, city and state) and date of contribution. (In addition, in-house records must be kept of all contributions over \$50 — including name, residence address and date of contribution.)

By item, all loans and loan repayments in excess of \$100, including date, name, address, occupation and principal place of business.

By item, all funds received from sale of tickets, mass collections and sale of campaign paraphernalia — including date of event, type of event and amount of proceeds.

By item, all expenditures over \$100 — including the recipient's name, address, date and amount and purpose of expenditure.

The amount and nature of debts owed to or by the committee.

What constitutes a contribution under federal law?

Any gift, subscription, loan, advance or deposit of money, or anything of value, made for the purpose of influencing federal elections is a contribution. A written pledge or promise to make a contribution is a contribution as is a "contribution in-kind," such as the use of office space, machinery, equipment, or the help of individuals donated by or paid for by a person other than the committee or candidate.

How are non-monetary or in-kind contributions treated?

Non-monetary contributions, such as lending an automobile, employee, typewriter or giving paper and stamps, are subject to the same limitations and reporting requirements as monetary contributions. Non-monetary contributions should be evaluated at their usual and normal charge and reported if in excess of \$100.

Are loans always contributions?

A loan is generally a contribution to the extent that the obligation remains outstanding. However, a loan of money by a national or state bank made in the ordinary course of business is not a contribution (although

it must still be reported).

Are there other exceptions to the definition of contributions?

Yes, including voluntary personal services; unreimbursed travel expenses by campaign volunteers up to \$500 per election; rental value of one's home; cost of invitations, food and beverages voluntarily provided at an individual's home up to \$500; legal and accounting services rendered for the purpose of complying with federal election laws; and payments made to determine if an individual should become a candidate.

What do expenditures include?

Expenditures that must be reported include payments of money, transfer of funds to another political committee or candidate and repayment of loans.

What is "cumulative amount" under federal law?

"Cumulative amount" means the amount contributed or expended since January 1st of the present calendar year. Each calendar year is considered a separate reporting responsibility, and the only carry-over to a successive calendar year is the beginning cash balance.

Unlike California reporting requirements, which only require a campaign statement to list detailed information about contributors who give \$50 or more in every election, the similar (not identical) reporting requirements for over \$100 contributions in the federal law require that the information must be given once the over-\$100 figure is reached in a calendar year, even though many elections may have occurred. Consequently, if a contributor gives \$30 in a special election, \$30 in the primary and \$40 in the general election, all to the same candidate, then the detailed information must be given on this contributor. This would not be required in California since each election would have been handled separately.

If a contributor has already been listed in a previous report, and additional contribution(s) are received from that contributor within the same calendar year, the contributor must be listed on the prescribed reporting forms using the same name as previously reported and showing the cumulative amount.

When to file statements

How many reports must be filed in a federal election?

Candidates and political committees must file campaign reports once before each election (10 days prior or 12 if by mail) and once after each election (30 days after). Also, within 10 days after the close of each quarter a report must be filed unless the candidate or political committee has received or expended less than \$1,000 in that quarter, in which case a postcard is filed (FEC form 3a). In non-election years, candidates and their authorized committees (including the principal campaign committee) file quarterly reports if the combined totals of the committee's contributions and expenditures exceed \$5,000. Otherwise, a postcard is filed.

Also, in non-election years, year-end reports are also required. A summary of 1978 reporting deadlines for federal candidates and political committees:

REPORTING PERIODS FOR REGULAR 1978 ELECTIONS

DEADLINE	PERIOD COVERED
January 31, 1978	last report - December 31, 1977
April 10, 1978*	January 1 - March 31, 1978
May 27, 1978**	last report - May 22, 1978
June 6, 1978***	Primary Election
July 6, 1978	May 23 - June 26, 1978
July 10, 1978*	June 27 - June 30, 1978
October 13, 1978*	last report - September 30, 1978
October 23, 1978**	last report - October 23, 1978
November 7, 1978***	General Election
December 7, 1978	October 24 - November 27, 1978
January 31, 1979	November 28 - December 31, 1978

*If contributions received or expenditures made exceed \$1,000 by a candidate or any of his/her authorized committees separately or collectively, or \$1,000 by any other political committee in prior calendar quarter; otherwise, file FEC form 3a.

**If filed by mail, deadline is two days earlier.

***See below for reporting of contributions of \$1,000 or more within 48 hours of receipt.

Must "last-minute contributions" be reported in a special manner?

Yes. Contributions of \$1,000 or more received by a candidate or his/her authorized committee subsequent to the 15th day but more than 48 hours before an election must be reported within 48 hours by hand-delivered letter or by telegram disclosing the contributor's name, occupation and principal place of business.

Independent expenditures of \$1,000 or more during the last 15 days must be reported within 24 hours.

Where to file reports

Where must campaign reports be filed?

Authorized committees of a candidate file reports with the candidate's principal campaign committee. The principal campaign committee then files a single report for that campaign (FEC form 3b). House candidates and committees backing only House candidates file an original with the clerk of the House of Representatives, Washington, D.C. 20515. Senate candidates and committees backing only Senate candidates file an original with the secretary of the Senate, Washington, D.C. 20510. Presidential and delegate candidates file an original with the Federal Election Commission, 1325 K St., NW, Washington, D.C. 20463, as do multi-support committees and persons making independent contributions or expenditures. The House clerk and Senate secretary immediately forward copies of all their reports to the FEC. In addition, a copy of all reports must be filed with the Secretary of State of each state in which candidates are supported.

How may reports be filed?

In all cases except for the pre-election report (10 days prior to an election), reports may be hand delivered or sent by registered OR certified mail and postmarked by the filing deadline. Pre-election reports must be hand delivered 10 days before the election or postmarked not later than the 12th day before the election.

Prohibitions

Does federal law limit cash contributions?

Yes. No one may make a cash contribution which totals more than \$100 to a federal candidate.

Does federal law impose contribution limitations on individuals?

Yes. There is a \$1,000 limit on the amount an individual may contribute to a single federal-office candidate or his/her authorized committee (including the principal campaign committee) in each primary and general election campaign (each presidential primary is treated as a single election as are runoff and special elections). Also there is a \$25,000 limit on the total amount an individual may contribute to all federal candidates in a "calendar" year. In addition, individuals may not contribute over \$20,000 to national party committees or over \$5,000 to any other political committee.

How do the contribution limitations apply to spouses?

Even though a spouse in a single-income family has contributed \$1,000 to a candidate for an election, the other spouse may similarly contribute \$1,000 to the same candidate for the same election.

What are the contribution limitations imposed on political committees?

The limitations are the same as for individuals. However, multi-candidate committees may contribute up to \$5,000 to a federal candidate in a single election. (See definition above.)

Are campaign expenditure limitations imposed by the federal law?

No. As originally adopted the law did limit campaign expenditures. However, the United States Supreme Court in *Buckley v. Valeo* held that such expenditure ceilings impose "direct and substantial restraints on the quantity of political speech" and as a result violate the First Amendment to the United States Constitution. But presidential candidates who accept public subsidies for either the pre-nomination or the general-election campaign must abide by the spending limits found in the Federal Election Campaign Act.

Are there personal-contribution limitations imposed on the candidate?

No. Spending money on your own campaign has been defined as an expenditure. Thus, candidates (except for presidential candidates using public financing) may spend unlimited amounts of personal funds. (Note: The FEC has complex regulations defining personal funds.)

Does federal law impose limitations on the total amount persons may spend independently but on behalf of federal candidates?

No. Because of the United States Supreme Court's *Buckley* decision there is no limitation on a truly independent expenditure made on behalf of a federal candidate. Thus, there are no limits on what a person may spend, for example, for direct purchase of newspaper ads to influence an election, if done independent of the candidate. (See above for reporting of independent expenditures by persons.)

Are contributions or expenditures by corporations or

labor organizations on behalf of federal office seekers allowed?

No, but corporations and labor organizations are permitted to establish separate political funds if the donations are voluntary. However, certain political expenditures are allowed. For example, funds may be spent for communication by a corporation or union to its stockholders or members on any subject, and non-partisan registration and get-out-the-vote efforts aimed at stockholders or union members are permitted.

Costs of communications expressly advocating the election or defeat of a candidate must be reported if over \$2,000 per election.

What other restrictions are applicable?

Contributions by national banks, government contractors and foreign nationals (who do not have permanent residences in the U.S.) are all prohibited, as are anonymous contributions of \$50 or more.

Is campaign literature for a federal office required to contain certain information?

Yes. All literature and advertisements soliciting contributions must include the following notice: "A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C." Unauthorized committees and persons independently spending funds for communications advocating the election or defeat of a candidate through any public advertising must identify themselves as unauthorized, and any literature referring to a candidate for federal office must be labeled with the

person's name or the committee's name and each of its officers.

Does the Federal Elections Act place a limit on the amount of honoraria elected federal officials may receive?

Yes. Acceptance of honoraria for individual speeches, appearances or articles in excess of \$2,000 and more than \$25,000 in total honoraria in a calendar year are prohibited.

Miscellaneous

Does the federal law require candidates and officeholders to disclose their personal finances under so-called conflict-of-interest statements?

No. Unlike California law, federal candidates and office-holders are not required to file public financial disclosure statements. United States senators and representatives do, however, file confidential disclosure statements under Senate and House rules (as must candidates for Senate).

Must federal candidates and political committees be concerned with tax considerations?

Yes. The diversion of campaign funds to personal use will make it taxable as income. And any income over \$100 per year (interest, dividends, sale of assets, etc.) earned from contributions requires the candidate, officeholder or committee to pay income taxes. Also, certain Internal Revenue Service rules must be followed to allow contributors to take the \$100 tax deduction or \$50 tax credit permitted under federal law.

Sources of detailed information

STATE

Fair Political Practices Commission, P.O. Box 807, Sacramento 95804.

Campaign Law Reporter (500-page loose-leaf state and federal manual, monthly newsletter, interpretation of FFPC and FEC regulations and opinions, special bulletins and telephone quick-query service), Tom DeLapp, editor, 1024 Tenth St., Suite 300, Sacramento 95814.

Regulations: California Administrative Code, TITLE 2, DIVISION 6. Department of General Services, Documents Section, P.O. Box 20191, Sacramento 95820.

Continuing Education of the Bar, 2150 Shattuck Ave., Berkeley 94720, official reporter of Fair Political Practices Commission opinions.

FEDERAL

Federal Election Commission, 1325 K St., NW, Washington, D.C. 20463.

Campaign Practices Reports (manual and monthly newsletter), 2814 Pennsylvania Ave., NW, Washington, D.C. 20007.

Campaign Law Reporter (see above).

Other information is available in the Federal Register and the Congressional Record.

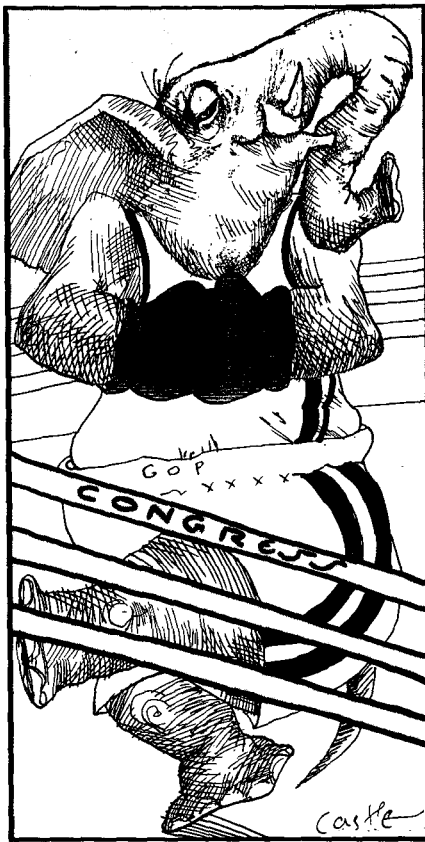
Where the action is: in the congressional races

By ED SALZMAN

This could be almost a status quo election year for California. There will be only one certain new face among statewide elected officials — a replacement for Attorney General Evelle J. Younger, who is seeking the Republican gubernatorial nomination. The best guess is that there will be little change in the complexion of the state Legislature, which should remain heavily Democratic with moderate turnover. But there is one front on the state's political battlefield that is bound to produce significant upheaval — the state's 43-member delegation to the House of Representatives.

The contest for congressional seats is usually the quietest segment of the ballot competition, with incumbents rarely retiring and few of them being unseated in any election. Two years ago, only two incumbents chose not to seek new terms, and one of them (Republican Al Bell) ran for the United States Senate. Four years ago, there was an unusual exodus — four members (Democrats Jerome Waldie, who ran for governor, and Richard Hanna, who shuffled off to Arkansas ahead of the Korean investigators; and Republicans Charles Gubser and Craig Hosmer, who saw no future for themselves in a Democratic-dominated House.). This year, however, there are seven incumbents who have announced their retirement from Congress. And there are three Democratic incumbents who could be defeated in November.

No longer are members of Congress remaining in office until they die. Some, like Congresswoman Yvonne Brathwaite Burke, are willing to place their political careers in jeopardy by seeking higher office. In Burke's case, it is attorney general. Others leave because of health problems that have sapped their vigor. This year, Democrats John Moss and B. F. Sisk fall into that category. For Republicans, Con-



gress can be especially frustrating because there appears to be little chance that the GOP will be in the majority in the foreseeable future. And Congress is an extremely partisan place. Virtually all the positions of real influence are held by the majority party. This explains, in part, why men like Charles Wiggins and Del Clawson are calling it quits at the end of their current terms.

Despite the volatility in the congressional elections this year, the Republicans have virtually no chance of taking command of the delegation, now 29-14 Democratic. But they could make it close. Of the 25 Democratic incum-

bents seeking reelection, all but five should win easily. Two others may face strong opposition but also should be favored heavily. And three of the non-incumbent seats should remain in Democratic hands. That makes a total of 25 probables for the Democrats.

Let's look at the situation from the Republican point of view: Nine of the 11 incumbents seeking re-election are safe. The other two are probables. Two of the three non-incumbent seats now held by Republicans are safe. Four seats now held by Democrats could be captured. Only one seat now in GOP hands is in any serious danger. If all goes well for the Republicans, a gain of three or four seats could be the result.

Of immediate interest are the seven districts which have been abandoned by the incumbents. In several of them, there will be bitter primary battles; in others, there are standout candidates who should walk away with the seats. Here is the rundown:

District 3 (Sacramento) — This is a traditionally Democratic area, represented for 26 years by the dean of the congressional delegation, John Moss. Three major Democratic candidates have emerged: Assemblyman Eugene Gualco, Mayor Phil Isenberg of Sacramento, and Vice Mayor Bob Matsui of Sacramento. Barrels of money will be spent on this race, and Gualco and Isenberg are the early favorites. The Republicans have come up with an extraordinary candidate, Sacramento County Supervisor Sandra Smoley. It is doubtful whether she could overcome a 62-32 registration disadvantage in November.

District 4 (Sacramento-Yolo-Solano) — Only 18 days before the close of filing, veteran Democrat Robert Leggett announced that he would not seek another term. Leggett came within a whisker of losing two years ago following revelations that he was maintaining two families. In deciding to quit

after eight terms, Leggett said that "garbage and gossip" rather than issues would be the subject of the campaign if he ran again. Despite a 64-29 Democratic registration advantage in the district, the Republicans thought they had an excellent chance of beating Leggett. The GOP will still mount an all-out offensive, but the job will be much more difficult with Leggett no longer the target.

District 15 (Fresno area) — After 24 years in the House, B. F. Sisk is calling it quits — but not before he tries to anoint a successor, his aide, Tony Coelho. The road looked smoother for Coelho with the announcement by state Senator George Zenovich that he would not make the race. But this is the central valley, where strange things can happen and registration statistics are meaningless. On paper, the area is highly Democratic, 64-30, but those numbers have never prevented Republican Ken Maddy from being elected to the Assembly from the same general area.

District 28 (Inglewood-Los Angeles) — Burke's decision to run for attorney general may have prompted the most bruising primary battle in the state. Among the prospective candidates in the Democratic primary: state Senator Nate Holden, Assembly Democratic caucus chairman Julian Dixon, City Councilman David Cunningham of Los Angeles. This contest may open up the old wounds between the rival camps in the Black community, with Dixon carrying the banner of Lieutenant Governor Mervyn Dymally and Cunningham the standard of Mayor Tom Bradley of Los Angeles. Holden, former president of the California Democratic Council, is a maverick. With a 76-18 registration breakdown, the Democratic primary is the whole ball game.

District 33 (Downey-Whittier) — The retirement of the 64-year-old Del Clawson gives the Democrats their only good chance to pick up a seat. Based on the early positioning, it appears that this will be a wide open scramble with nominations up for grabs and the November outcome in doubt. None of the three legislators representing the area has chosen to run. The registration is 55-39 Democratic, but this is strictly marginal territory.

District 37 (San Bernardino County) — The retirement announcement from 53-year-old Republican Shirley Pettis came as a surprise. GOP Assemblyman Jerry Lewis looks like an easy winner in this district (50-43 Democratic in

registration), which has traditionally gone Republican.

District 39 (Orange County) — This district will be easy for the Republicans to hold following the retirement of 50-year-old Charles Wiggins, one of the most articulate Republican spokesmen in the House. The district is one of the few in the state with a Republican majority. The leading candidate is GOP Assemblyman William E. Dannemeyer of Fullerton, once a Democratic Assemblyman.

In addition to those non-incumbent seats, there is one district in which there may be a significant primary contest: the Hawthorne-Compton area represented by veteran Democrat Charles H. Wilson. It is a heavily Democratic area, and there have been indications for years that Wilson might be given a difficult challenge in the primary. It has not materialized in the past, but this may be the year.

The Republicans cannot take advantage of any weaknesses in Wilson's record, but there are three Democratic incumbents high on the GOP hit list:

- **John McFall** of San Joaquin County is one of many blemished by the Korean scandal. His district has a 58-36 Democratic majority, but that doesn't mean as much as personal popularity in the central valley. A large Republican field has been building for the primary, including Chairman Norm Shumway of the San Joaquin County supervisors and Vice-Mayor James Pinkerton of Lodi.

- **Mark Hannaford** of the Long Beach area came within 3,000 votes of being defeated by Republican Dan Lungren in 1976. Hannaford suffers from the fact that his name is similar to that of former Congressman Richard Hanna, who represented the same area and has been indicted in the Korean scandal. He will probably face Lungren again in a district that is considered marginal (55-39).

- **Democrat Jim Lloyd**, who represents a Covina-Pomona-San Bernardino district, has even more adverse numbers for a Democrat (53-41). Lloyd won last time by more than 10,000 votes. Yet, he will be a GOP target, and even state Senator H. L. (Bill) Richardson for a time was considering running against him. (Richardson decided against it, and urged Assemblyman Bill Lancaster to challenge Lloyd. Lancaster also chose not to run.)

National Republican organizations also have made sounds as though they would like to put big bucks behind the right opponent for Democrats John Burton of San Francisco and Leon

Panetta of Monterey. But Burton won by 40,000 votes in 1976, and registration in the district is sufficiently Democratic (58-30) to withstand the challenge of anything but an extraordinary opponent.

The Panetta situation is quite different. Conservative Republicans are still chafing about Panetta's victory over Republican Burt Talcott two years ago. The district is marginal (55-36) and there could be a major effort to regain the seat for the GOP if the right candidate can be developed. Panetta is a shrewd politician who has made his mark early in Congress. He will be difficult to defeat.

On the Republican side, there are a couple of seats worth mentioning. Veteran Don Clausen on the north coast is often a Democratic target because his district is not especially Republican and because he has not been winning very convincingly in recent years, even when matched with relatively weak opposition. His strongest potential rival — Assemblyman Barry Keene — is running for the state Senate, and that means Clausen should win another term.

Two years ago, the biggest congressional battle of the year was waged along the Los Angeles coast. At stake was the seat of Republican Bell, who was running for the Senate. Emerging from large primary fields were businessman Gary Familian, a Democrat, and broadcaster Robert K. Dornan, a Republican. They spent small fortunes and threw mud at each other in the general election, with Dornan coming away with a 20,000-vote victory. Despite Dornan's convincing victory and the Republican tradition in the area, there are some Democrats who think Dornan can be defeated. One of them is Carey Peck, son of Actor Gregory Peck. The younger Peck has been developing support for a big-money campaign against Dornan. The district is 50-42 Democratic, and that makes it a Republican district because of higher GOP turnout and loyalty.

In recent years, Democrats have made inroads into former Republican territory. But it appears that they have now hit hardpan and they can add more seats only under highly unusual circumstances (with the exception of the Del Clawson district). The Republicans, on the other hand, are in position to strike because of the retirements and the apparent vulnerability of a few Democratic incumbents. The question is whether the GOP can muster the classy candidates and campaign chests necessary to bring some semblance of the two-party system back to the delegation. ■

The public is constantly upset with government and the laws it enacts. We wondered what kind of laws the public would create if given the opportunity and so we present

LAWS by LAYPEOPLE

SB 72:

Allows our governor to go into space but makes him leave our money here.

BS 238:

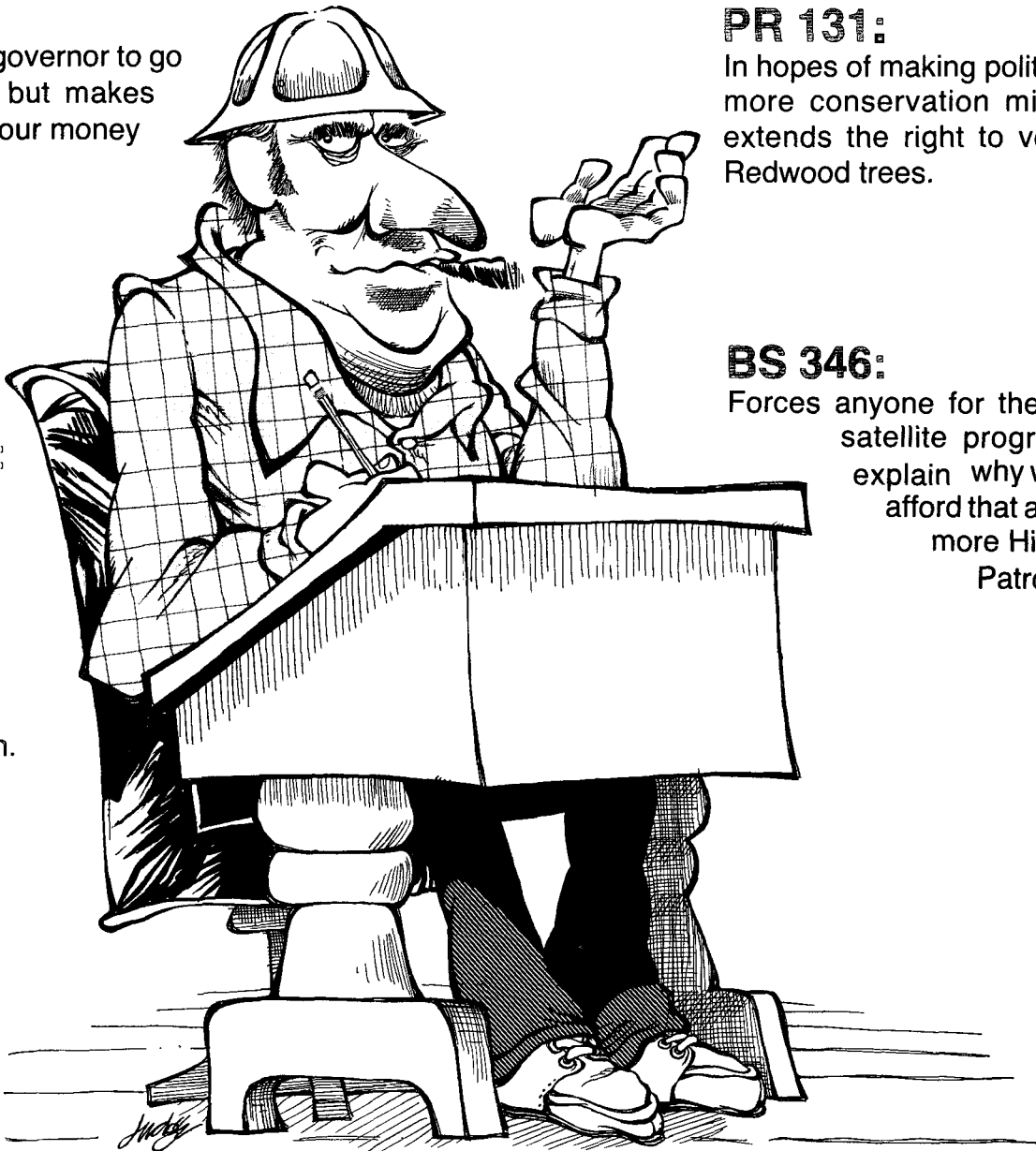
For all politicians who favor the SOHIO terminal, provides housing in Long Beach.

PR 131:

In hopes of making politicians more conservation minded, extends the right to vote to Redwood trees.

BS 346:

Forces anyone for the state satellite program to explain why we can afford that and not more Highway Patrolmen.



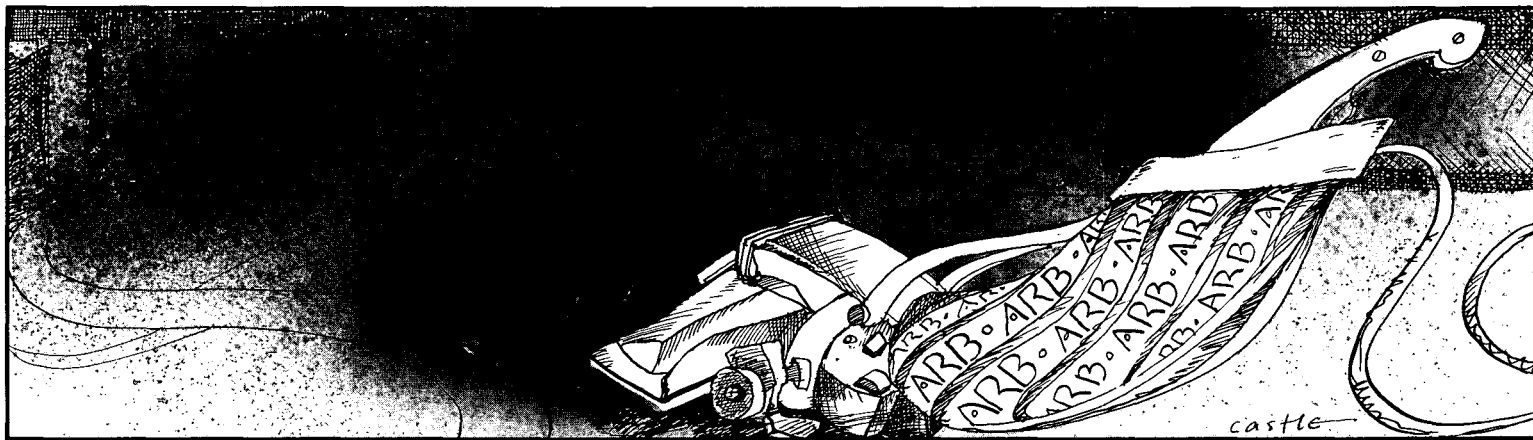
AB 59:

In an effort to balance the national budget, takes our representatives in Washington off salary and puts them on commission. Kind of like it is in Sacramento.

BS 29:

Any politician firing an employee for abusive language shall be hit on the thumb with a hammer to see what language they use when mad.

Is it time for counties to abandon smog control?



By WILLIAM SIMMONS

Government efforts to control air pollution in California have created a bureaucratic haze as thick as Los Angeles air on a smoggy day. To unravel the bewildering web of rules, procedures, imposed mandates, state preemptions and federal standards is difficult for professionals and nearly impossible for ordinary citizens.

In theory, the division of authority seems logical. Responsibility for control is shared by state and local agencies: The state is supposed to regulate vehicles and the counties are supposed to do the rest. Overall planning is supposed to come from the state Air Resources Board (ARB).

But today — with the encouragement of the federal Environmental Protection Agency (EPA) — the ARB has assumed an activist role that has reduced dramatically the job of local agencies. There is so little discretion left at the county level that it seems appropriate to consider turning over the whole job to the ARB. Local elected officials would be rid of a big headache and local taxes could be reduced.

To understand the laws on air pollution control, it is necessary to go back to 1947, when the state authorized counties to form air pollution control districts (APCDs). The legislation was passed at the behest of Los Angeles County. There was no state agency.

Later, as a result of the late Dr. A. J. Haagen-Smit's discovery of the photochemistry which creates the California variety of smog, the motor vehicle became recognized as the major source of pollution. In 1961 the state took it upon itself to regulate vehicles through the Motor Vehicle Pollution Control Board. But the counties were still free to exercise control over non-vehicular sources. There was little or no coordination. The skies grew smoggier.

William Simmons is the Air Pollution Control Officer for San Diego County and former executive officer of the state Air Resources Board.

In 1967 the Legislature tried to fit the parts together with the Mulford-Carrell Act. The new Air Resources Board took over from the Motor Vehicle Pollution Control Board and also gained a new power: authority to act on non-vehicular sources if it first found that a particular APCD wasn't doing the job. Many counties had not formed air pollution control districts, so in 1970 the Legislature mandated districts in all counties and called for basinwide control plans.

Also in 1970, the federal Clean Air Act amendments required similar basinwide control plans, which had to show achievement of air quality standards by 1975, or 1977 at the latest. (State law has no deadlines.) The concept that locally elected officials were free to control pollution as they saw fit has been maintained throughout the series of legislative changes. The federal Clean Air Act goes along with this, allowing the states to delegate duties to local authorities.

The 1970 federal amendments became the driving force in pollution-control law. Year after year the EPA and ARB have tightened their grip on the local programs. Because the mandates have increased and the options have narrowed, the freedom of local officials to act does not exist. Home rule is nearly a fiction.

A good example is provided by the state and federal standards for photochemical oxidant. These standards are so far from being achieved that every possible control, technological and otherwise, must be exercised. Vapor recovery, control of volatility of fuels, reformulated paints and solvents and 15 years of automobile controls have not been enough. The short fall is so great that EPA, in order to achieve that 1977 deadline, tried imposing freeway diamond lanes, one-way streets, parking surcharges, restrictions on large parking lots and more. When all that failed, as expected, EPA promised gasoline rationing — up to 90 percent in the South Coast Air Basin.

Most of the EPA regulations and unpopular programs have

been withdrawn. The 1977 Clean Air Act amendments grant another 10 years to achieve the oxidant standard. Maybe the standard can be met in much of the state by that time, because stringent requirements on new automobiles should be very effective. But every possible control tactic will have to be implemented, and even then it is doubtful that the South Coast Air Basin can cut oxidants sufficiently.

It is no easier to gain the particulate matter standard. Scientists are just beginning to understand the formation of small particles in the photochemical process. Control can come only after the nature of the particles and their formation are understood. But it is clear now that existing controls on the precursors — sulfur, nitrogen and organic compounds — are not nearly enough. There are hardly any options for local discretion here, either.

So, as 1973 arrives, local politicians who cannot possibly understand the complexities of control are being told what to do. If they don't do it, the state or federal government will do it for them — and leave them with the consequences. Moreover, they will lose state and federal funds which in the large districts are a major portion of the budget.

The mandates take a variety of forms. They cover staffing levels, rule changes and additions, long-range control plans, source inventories, emergency plans, enforcement procedures, types of monitoring equipment and monitoring procedures.

Another type of mandate compels the districts to enforce certain state emission standards, from which no deviation is allowed. A third type of state and/or federal action involves takeover of enforcement against troublesome local sources. Finally, there are new areas of concern in which local authority simply isn't broad enough. The state must move into these areas, and it is. Some examples of these four areas are set forth in the accompanying box.

The logic of a takeover

There may be good reasons for mandates and state takeovers. The ARB and the three largest districts — South Coast, Bay Area and San Diego — are jointly developing new regulations to reduce petroleum solvent in architectural and industrial paints. They agree such controls are needed and that statewide uniformity is essential to prevent chaos in the paint manufacturing industry.

Maybe the state hasn't gone far enough. Some officials and industrial representatives have urged that the review rules involving new sources of pollution should be uniform in the metropolitan areas of the state, or perhaps throughout the whole state, so that one locality doesn't lose industry to another which has a slightly more favorable rule. The point is not whether the actions from the state and federal levels are appropriate. Instead — since their mandates exist and will continue to increase — maybe local officials should abandon their beloved home-rule principle and let the state preempt the whole field, including the headaches and funding problems.

This would be easy to justify to local property taxpayers. In San Diego alone, nearly a million dollars in the general fund would be saved. So why not? There are many reasons, and here are some of them:

- **Local officials** want to protect industry, or clean up the air, or both — and so they won't give up existing prerogatives, limited though they might be.
- **There is still some local freedom**, including negotiating with the state over precise wording of rules and the enforcement action to be taken.
- **Industry** may feel, especially with the activism of the present ARB (see The pressure tactics of smog boss Tom Quinn, *CJ*, July 1977), that it is better off dealing with local

The long arm of the state

Here are some examples of the mandates imposed on air pollution control districts by state and federal laws:

Preconstruction review of new modified sources requires pollution trade-offs as specified by the EPA and ARB. If they can't be found, construction is prohibited.

Two series of federal regulations — standards for specified new industries and hazardous pollutant standards — must be adopted word for word.

When smog reaches alert levels, districts must have and invoke emergency plans which follow state guidelines.

Prescribed upset/breakdown and in-stack monitoring rules must be adopted, and more such guidelines are in the works.

The state and the APCDs must switch to EPA-approved monitoring equipment and abandon equally reliable but unapproved equipment, at a cost to Californians of hundreds of thousands of dollars.

Districts must soon prevent significant deterioration of clean air by applying rigid increments of permissible deterioration.

The following areas have been preempted by action of the state Legislature:

Agricultural burning cannot be prohibited and must follow state guidelines.

Sandblasting cannot be controlled except in accordance with lenient state standards.

Gasoline vapor recovery systems must be state-approved, and in the case of tank trucks, the APCDs cannot be more or less stringent.

Orchard heaters must be state-approved.

By moving into local enforcement, the state also has preempted control in these areas:

The ARB has virtually taken over the control of vapor from floating-roof petroleum storage tanks.

Cement plants, rice drying and processing plants, a steel mill, lumber mills and others have been subject to state enforcement action, often over the objection of the local districts involved.

Here are new areas of concern in which state action seems appropriate:

The state can best deal with the federal government on off-shore and Elk Hills oil development and importation of Alaskan crude.

Crude oil unloading off the southern California coast affects air quality in several counties, and state action is needed for uniform controls in all coastal waters.

Only the state can research and resolve the problems arising from the increasing evidence of pollution transport from one air basin to another.

Development of geothermal resources in remote areas presents peculiar problems which small districts cannot handle.

There is a desperate need for more low-polluting natural gas, and it must fall to the state to deal on the national and international levels with this problem.

officials than with the ARB or any successor agency under Governor Brown.

- **When it comes to meshing** air quality goals with land use and transportation planning, the job is going to have to be done at the local level. That is where these activities take place. Such coordination is slowly being forced by EPA, ARB and some local officials, but significant results are lacking so far. The 1977 Clean Air Act amendments assure that this pressure will continue.

- **Environmental and civic groups** have enough trouble attending local meetings. Shifting hearings on rules to Sacramento or Los Angeles will make their efforts at input even more difficult.

- **On top of it all** is a simple political reality: Changing the status quo is always difficult.

Fighting, not switching

Of course some sort of statewide reorganization isn't the only option. Rather than jump ship, the districts can fight. This is being done in a few rural districts. The Stanislaus and Yolo-Solano APCDs refused their federal grants this year. Colusa County has never accepted the state subvention, and Sutter refused it this year. In refusing the funds, the districts escape the conditions (mandates) under which the funds are offered. This probably makes the supervisors feel better, but in the long run such a stand may be of no benefit to local agriculture and industry. In the absence of local action, both EPA and ARB are obligated to adopt and

directly enforce regulations they feel necessary. The supervisors may be banking on the fact that neither EPA nor ARB has the resources to do this on a broad scale without significant alteration of staff priorities. The tactic might have a significant effect if one of the larger districts were to do it too. However, the rebellion in the rural counties is not likely to be taken up in the metropolitan areas. Refusal of the federal or state funds would mean significant cuts in staff or added taxes.

The action of the small counties is a symptom of the mistake the Legislature made in 1970, when it mandated control county by county. Districts in rural counties are not viable. In most counties air pollution control does not involve a large staff, and the demands for planning, rule changes, recordkeeping and reporting can't be met by the limited personnel. Rural counties are too small a unit to handle the basic job, let alone the ancillary tasks being imposed by the higher levels of government. And they have largely failed to pool staff and resources or to agree on common regulations to accomplish the necessary economies of scale, as the ARB and the Legislature hoped they would. The mandates that are coming down so often can only be accommodated by a unit of government large enough to handle and absorb them.

So the pressures for change are mounting, especially in the smaller districts. The time appears at hand for the remaining responsibility to be taken over by those higher levels of government that already exert the real power in air pollution control.



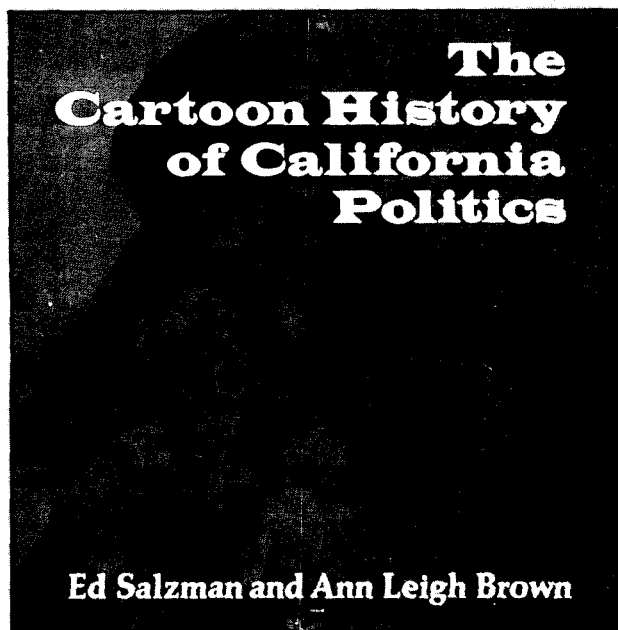
*Laugh your way through the 130-year chronicle of California
with this attractive new book from California Journal Press*

The Cartoon History of California Politics

**By Ed Salzman
and Ann Leigh Brown**

There is no more entertaining way to learn about California history and politics than through the pens of the state's cartoonists. This handsome 156-page paper-bound book, eight inches by eight inches, is similar in design to the highly successful *The American Presidency in Political Cartoons 1776-1976*, published for the bicentennial by the University of California Art Museum. It contains 119 cartoons, most of them covering a full page, spanning California political history from the Gold Rush through the New Spirit.

Among the artists represented: Thomas Nast, Edward Keller, Homer Davenport, Ted Gale, Bruce Russell, Newton Pratt, Robert Bastian, Paul Conrad, Lou Grant, Robert Graysmith and Dennis Renault. There is an entire chapter on a little-known episode in California history, the attempt by the Legislature of 1899 to ban political cartooning in California.



This book makes an ideal gift for almost any occasion. And it is bargain priced for *Journal* readers — only \$5.25 per copy including tax for prepaid, Visa or Master Charge orders.

Send orders to the *California Journal Press*, 1617 10th St., Sacramento 95814. Mailing and handling charges will be added to non-prepaid orders.

'ALTERNATIVE TO THE CONCRETE PATH'

Saved from extinction: the California passenger train

By RICHARD RODDA

At the beginning of the '70s the passenger train in California was suffering from an apparent terminal illness. Amtrak took over the patient on May 1st, 1971, and saved its life with large doses of federal money. Now CalTrans, the State Department of Transportation, is aiding the recovery with substantial amounts of state money. Even Los Angeles County is putting up cash, as are a few smaller public agencies interested in the welfare of rail travel.

Little by little, the train is making a comeback. And the future looks even brighter, despite some resistance in Congress and the reluctance of the railroads to put on more trains. In mid-February a sixth daily train was added to the Los Angeles-San Diego run, which was down to three trains a day in 1971. An overnight train from Sacramento to San Diego — via Oakland, San Jose, Santa Barbara and Los Angeles — will begin running early in the year. The modern, smooth-riding "Amfleet" equipment, already used by the San Joaquin (Oakland to Bakersfield), will be assigned to the San Francisco Zephyr (San Francisco-Chicago) and the Coast Starlight (Los Angeles-Seattle) during 1978. Amtrak will call these trains super-liners. The Southwest Limited (Los Angeles-Chicago) and Sunset Limited (LA-New Orleans) eventually will receive this equipment, too.

Studies and conversations in Amtrak-CalTrans railroad company circles hold out these additional possibilities in the foreseeable future:

- **Extension** of the San Joaquin from Bakersfield to Los Angeles over the Tehachapi route of the Southern Pacific Railroad.
- **Restoration** of the Del Monte, the once popular train linking San Francisco with the Monterey Peninsula.
- **Improvements** which will provide stations for Suisun-Fairfield, San Juan Capistrano, San Fernando Valley and other communities which have been without rail service for the last six years.
- **Expansion** of the concept of the intermodal terminal, where bus and rapid transit lines meet mainline Amtrak trains. One example is the new Bay Area Rapid Transit-Amtrak station in Richmond, where BART passengers can walk across a platform to catch an Amtrak train, and vice versa. Similar terminals are envisioned at the Amtrak stations in Sacramento, San Diego and Santa Barbara.
- **Conversion** of the Sunset Limited's three-times-a-week train to daily service between Los Angeles and New Orleans. Paul Reistrup, Amtrak president, says he wants all thrice-weekly trains to be put on a daily basis. The daily Starlight once ran only three times a week from Oakland to Seattle, as did the San Francisco Zephyr from California to Chicago.

Richard Rodda retired last year as political editor of the McClatchy Newspapers.

The new San Diego-Los Angeles train is completely refurbished, consisting of standard coaches and lounge cars obtained from the Oregon Pacific & Eastern Railway. It is being financed jointly by CalTrans and Los Angeles County, at no cost to Amtrak.

Two friends of the trains

Baxter Ward, flamboyant Los Angeles County supervisor, persuaded the county to invest in the train, known as the El Camino. The county has spent \$2 million for the pur-



chase and refurbishing of the equipment. One unit, the Silver Horizon, is a dome observation car from the California Zephyr, once advertised as the "most talked about train in America." Another influential public official who has pushed hard for state and local funds to help out Amtrak is Senator James R. Mills of San Diego, president pro tempore of the Senate. Mills was author in 1975 of the first major appropriation bill with funds earmarked for expansion of rail passenger service in California. He has been appointed to the board of directors of the National Railroad Passenger Corporation (Amtrak), a position from which he can aid California interests on the national scene. A railroad buff, Mills keeps a display of model railroads in his fifth floor office. It was Mills who conceived the idea of combining the Amtrak and BART stations in Richmond.

The administration of Governor Jerry Brown also appears to be committed to continued rail service. Although he has avoided most ribbon-cutting ceremonies since taking office three years ago, Brown showed up at the dedication of the Amtrak-BART station in Richmond last October.

"We need the rail path as an alternative to the concrete path," he told the dedication crowd. "I look forward to the stimulation of new coastal train routes for those who do not want to get behind the heavy traffic on the highways. I will do my best to keep the trains running, and on time."

Climbing patronage

A CalTrans fact sheet, "CalTrans' Role in Rail Transportation," addresses the economics of improving train service:

"The need for additional rail transportation is clear — in every portion of the state where rail service has been augmented through CalTrans' intervention, patronage has climbed. There is a growing feeling that it is not necessary to drive every time a trip must be made. And, realistically, it is much less expensive to improve rail service beside a freeway than rip it out and widen the road."

To date, more than \$15 million have been made available by the state for rail service improvements. CalTrans officials say that amount would not even buy two miles of freeway at current costs.

Arthur L. Lloyd, Amtrak's western regional manager for public affairs, agrees that increased patronage has resulted on Cal Trans-supported routes. According to Lloyd, the Los Angeles-San Diego trains carried 561,509 passengers during the first nine months of 1977, compared to 337,250 in the same period in 1976 — a 66 percent gain. The San Joaquin had 70,090 passengers for 1977, up 33 percent from 52,800 in 1976. CalTrans came to the San Joaquin's rescue with funding to continue the train on a daily basis, after budget cuts required by Congress threatened the reduction of service to four times a week.

Amtrak must appeal to Congress each year for funds to pick up operating deficits. During the last six months congressmen have been under increased pressure from bus companies and competing railroad interests to force Amtrak to pay its way through higher passenger fares. At one time proposed budget cuts were so drastic that Amtrak considered discontinuing 22 trains on the heavily patronized Northeast corridor (Boston-New York-Washington). Congress finally gave in after public protests following dis-

continuance notices on the trains. An appropriation increase was approved at the last minute.

Ironically, two neighboring California congressmen are on opposite sides of the Amtrak issue. Democratic Representative John J. McFall of Manteca headed a subcommittee that blocked Amtrak funds. Had McFall prevailed, the San Joaquin line from Oakland to Bakersfield would have been eliminated entirely. Democratic Representative B. F. Sisk of Fresno, on the other hand, was a leader in getting the San Joaquin started in the first place in 1974. Campaign reports disclose the Southern Pacific and Burlington Northern railroads — long opposed to expansion of passenger train service — are heavy contributors to McFall.

An SP delay?

Both Amtrak and CalTrans officials claim that SP is responsible for delays in the start of the new Sacramento-San Diego overnight service. At one time Amtrak announced service would begin last October 30th, but the two government agencies and SP are still arguing over environmental impact studies requested by the SP before service is begun.

The triumvirate involved in most of the negotiations are Lloyd of Amtrak, Adriana Gianturco, director of CalTrans and A. D. DeMoss, vice president of Southern Pacific Transportation. With Lloyd and Gianturco it is usually go, go, go — while DeMoss would rather wait, wait, wait. CalTrans, for instance, takes the position that the SP at one time operated as many as five daily trains on its SF-LA coast route. Why is it necessary then, for a lot of studying before adding a second train, CalTrans asks.

DeMoss offers plenty of answers. He contends the signal system, the sidings and what is left of passenger stations are now geared for freight service. He argues the second train is not justified environmentally or economically, and that buses will do the job more efficiently. SP must have a dependable freight service, he asserts, since it is in a "life and death" struggle with truck lines. But the public agencies are pushing hard and expect the new train will be in operation soon.

In a small way three cities have helped Amtrak financially. Richmond, Sacramento and San Diego have contributed funds for surveys in connection with proposed transportation terminals.

Under the Rail Passenger Service Act, enacted October 30th, 1970, states or regional agencies may obtain service in addition to the basic network by assuming 50 percent of the losses related to the service and 50 percent of the capital expenses for equipment, facilities or track repair.

"All of us at Amtrak believe that Amtrak is here to stay," said President Reistrup recently, "and clearly the overwhelming majority of the Congress continues to agree. The people want passenger train service preserved, and even expanded. The government, taken as a whole, is still responsive; train service has been preserved and is being improved."

Although saved from oblivion, the passenger train probably will never regain the popularity it enjoyed in the days before private automobiles and commercial air lines. Only a devastating and permanent energy crisis would bring back great volumes of traffic to the rails.



Why all the hassle over forced retirement?

By MARLA ELLIOTT BAKER

Legislation often goes into effect on January 1st with little fanfare, its controversies settled by compromise and its debates silenced by the Governor's pen. Not so with AB 586, the voluntary retirement act for private industry, signed into law last September.

Its companion bill, AB 568, which provides for immediate elimination of mandatory retirement for public employees, has created little conflict. But the private sector bill passed the Legislature rather quietly — and then exploded in a cloud of confusion and protests.

The biggest complaints arise from the compromise used to neutralize industry opposition: a two-year moratorium clause that, for many companies, may postpone the effective date of the bill. But confusion over general interpretation of the bill has plagued the bill's author, Democratic Assemblyman Richard Alatorre of Los Angeles. His office has been flooded with constituent queries, industry protests and legislative counsel opinions.

The idea of eliminating mandatory retirement is hardly new — 13 other states have similar laws affecting either the public or private sector, or both. And AB 568 and 586 were not the first bills introduced by Assemblyman Alatorre. Similar bills in the past two years have failed to get out of committee, squelched by the traditional opponent of voluntary retirement: industry. Testifying again this year against the bill were representatives of United Airlines, Kaiser Aluminum, the California Chamber of Commerce and the California Manufacturers Association (CMA).

Their arguments generally fell into four main themes:

- The bill was another example of unnecessary meddling by government in labor-management relations.
- It would disrupt actuarial planning in insurance and pension plans.
- It would leave a company with no graceful way to get rid of an older worker who could no longer perform.
- The filter-down effect would freeze middle management, thus restricting entry into the work force at lower levels and aggravating California's unemployment problem.

The push to end mandatory retirement came from more than 50 senior citizens' groups in California, the general public and the California Commission on Aging. A Harris poll showed 87 percent of Californians favored voluntary retirement. Boone Robinson, executive secretary of the Commission on Aging, believes that voluntary retirement is an idea "whose time has come." He outlines its merits this way:

- Chronological age is simply a poor indicator of job

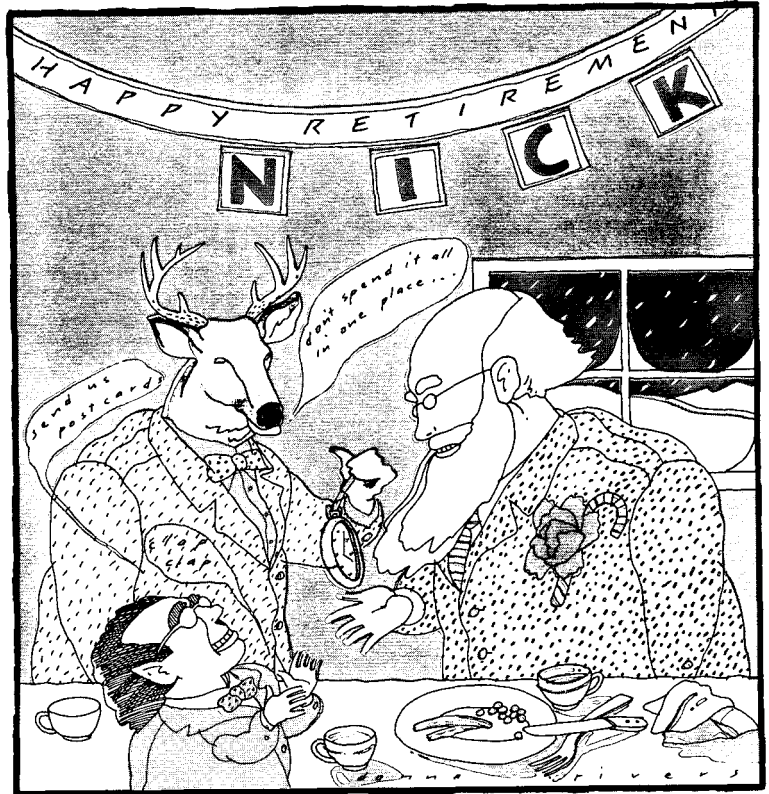


ILLUSTRATION BY DONNA RIVERS

Major Provision of AB 586:

- It declares that "the use of chronological age as an indicator of ability to perform on the job and the practice of mandatory retirement from employment are obsolete and cruel practices."
- It amends one section of the Labor Code, strengthening prohibitions against age discrimination in hiring, firing and on-the-job treatment of workers over 40.
- It adds a new section to the Labor Code regarding retirement practices. Any employee who so desires may submit a written request to continue working beyond the normal retirement date established by his or her employer. If such a request is denied, and he or she feels the employer is in violation of the prohibitions against age discrimination, the employee can bring the case before the Fair Employment Practices Commission.

Marla Elliott Baker wrote "The State's \$17 million gamble" in the December 1977 issue.

performance. Other, more objective criteria are being used in industry with great success.

- Voluntary retirement is one way to ease overburdened pension plans and aid adaptation to the changing demographics of our society. "In 1945, 35 workers were contributing to Social Security for each one receiving a retirement pension," Robinson says. "In 1975, this ratio had fallen to 3.2 contributing to each retiree."

- Finally, proponents reject the charge that the switch to voluntary retirement will yield higher unemployment among the young. "If society can't create jobs for people who want to work, then there is something wrong with society," says Robinson.

The sleeper of the year

Both Paul Gladfelty, assistant director of industrial relations for the CMA, and author Alatorre agree that the political climate was right this year for the bill. Evidence of favorable public opinion and knowledge of the growing strength of the elderly convinced many legislators they should support voluntary retirement. And just in case they missed any of the favorable publicity, the Commission on Aging clipped and mailed supportive articles and polls to them.

Ben Lopez, an Alatorre staff member, calls AB 586 the "sleeper of the year." Overshadowed by bigger issues such as the death penalty and tax reform, the bill received little criticism. Lopez also feels that confusion over the issue of mandatory retirement within the Legislature kept industry from uniting in their lobbying efforts. Another bill, authored by Senator George Deukmejian, to alter the retirement age also was offered in the last session. "People were not clearheaded about it, and that proved to be a slight benefit for us," says Lopez.

Another reason for the bill's passage was the controversial moratorium clause, which reads: "This section shall not be construed to . . . require any changes in any *bona fide* retirement or pension programs or existing collective-bargaining agreements during the life of the contract, or for two years after the effective date of this section (January 1st, 1978), whichever occurs first." The language was taken almost exactly from a letter of suggested changes offered by Timothy Conlon of Kaiser Aluminum and Paul Gladfelty of the CMA. By accepting some of the opponents' suggested amendments, Alatorre's office effectively neutralized the opposition. Eventually most of the industry critics had to back off, thus clearing the way for a 75-0 passage of the bill on third reading in the Assembly, a 22-12 vote in the Senate, and a speedy approval in conference.

Governor Brown had assigned a neutral position on AB 586 to the state Office of Aging, despite the recommendation of director Janet Levy that her office testify in favor of the bill. Industry is reported to have received a sympathetic ear in the Governor's office. But, faced with the bill's brisk approval in the Legislature, Brown signed the bill and claimed that "it represents a victory for the individual over the stereotyped concepts of what older citizens are capable of doing."

An easy way to order subscriptions and books

Master Charge, Visa and BankAmericard cards may be used to purchase subscriptions and books from the *California Journal*. When ordering, send just the card number — not the card itself — and we'll take care of the rest of the paperwork. Send your orders to the *Journal* at 1617 10th St., Sacramento 95814.

After passage, the moratorium clause quickly became the focus of heated debate. Interpretations of the new law varied so much that even Assemblyman Alatorre was forced to admit that the clause is a "grey area." Legislative Counsel Bion Gregory was called upon to deliver an opinion, which generally supported industry's interpretation.

The exempting clause, which appears twice in AB 586, allows a grace period of up to two years to any with a bona fide retirement or pension program or existing collective bargaining agreement. Gladfelty maintains that industry needs time to create some objective criteria for evaluating worker productivity. "There are a lot of employers out there who can't comply overnight," he said. The CMA's industrial relations committee has compiled a volume of job task descriptions to help employers develop objective guidelines upon which to base their hiring, firing and promotions.

This two-year stopover en route to "victory for the individual" is bringing grumbles from employees close to forced retirement. Nancy Shaw, speaking for the Fair Employment Practices Commission (FEPC), is not too happy with the grace period, either. "But it seems we're stuck with it," she says, "and I expect we'll be litigating this long after the grace period is over."

Since "every retirement from now on out is a potential claim," according to Shaw, a series of judicial interpretations probably will eliminate some of the confusion over application of the new law. Case by case decisions will clarify what constitutes a "bona fide" pension plan. Where funding formulas are adjusted to meet the demands of the new law and then are in conflict with federal pension laws, the FEPC expects some problems.

The workers' rights

Several quirks in the law make it difficult for the worker to understand his or her rights. Someone forced to retire this year under the delaying clause, for instance, may be at an advantage in filing an application to get his or her old job back whenever the company puts the provisions of AB 586 into effect — in two years or less. Having the most experience, the worker could claim to be the best qualified among other applicants for the same job. If the company refused to rehire that worker and failed to evaluate his or her ability through criteria other than age, it would be open to charges of age discrimination. The attorney general, as advisor to the FEPC, will have to address such controversies in a forthcoming opinion.

The meaning of the Alatorre bills may be altered by pending state and federal legislation, too. One current proposal, by state Senator Bob Wilson, would allow policemen and firefighters to retire early with 75 percent compensation. In Congress, there is an attempt to preempt all state legislation in the area by moving mandatory state legislation retirement to age 70.

Regardless of the outcome of the legal battles, the impact on the work force may be minimal. A recent Roper poll concluded that public opposition to mandatory retirement "reflects more the desire to decide one's own retirement age than a wish to keep on working past 65." Nationwide trends suggest that the average worker is retiring earlier than ever. At recent federal hearings General Motors Corporation representatives said that only two percent of its hourly wage earners now stay on to the company's mandatory retirement age of 68.

So the issue of mandatory retirement probably will be resolved as other civil rights issues have been: slowly. Elimination of discrimination — whether on the basis of race, sex or age — can begin with laws. But the pace of change depends greatly on the political clout of the persons pushing for it.



California CAPSULES

13 propositions on June ballot; Jarvis-Gann last

Secretary of State March Fong Eu assigned the 13th and last spot on the June 6th ballot proposition list to the Jarvis-Gann tax initiative. The law specifies that bond measures be given the lowest numbers, followed by constitutional amendments placed on the ballot by the Legislature, and then by initiatives. The other 12 propositions:

1. Would authorize the issuance of \$350 million in school building-aid bonds.
2. Would authorize the sale of \$375 million in bonds for water conservation, reclamation and pollution-control facilities.
3. Would allow the Legislature to exempt so-called alternative energy systems from property taxation.
4. Would permit citizens living outside city limits but within a school district to vote on city charter amendments affecting the schools.
5. Would prohibit state agencies from declaring laws unconstitutional in the absence of an appellate court ruling.
6. Would require that all sheriffs be elected by the voters.
7. Would allow local governmental agencies to use cooperative pooling methods of providing unemployment compensation and other benefits.
8. Would allow the Legislature to permit taxation of owner-occupied residences at a lower rate than other classes of property.
9. Would set a 10-percent maximum interest rate on any court judgment.
10. Would permit special property-tax relief for owners of buildings that had been rehabilitated, with a five-year limit.
11. Would allow local government to retain tax-exempt status for its own property that shifts outside of its boundaries

as a result of the formation of any new county.

12. Would create a seven-member commission to set salaries and fringe benefits for legislators and other elected state officials.

FPPC appeals Stillwell decision on political reform

On February 9th, the state Fair Political Practices Commission asked the state Supreme Court to review a Superior Court ruling that the Political Reform Act of 1974 is unconstitutional. While the case is before the high court, the law (Proposition 9) remains in effect and those participating in campaigns this year will be required to file contribution and expenditure reports for state and local elections. At issue before the Supreme Court is the contention of Superior Judge Parks Stillwell of Los Angeles that the 1974 initiative is unconstitutional because it deals with more than one subject — lobbying, campaign contribution disclosure and conflict of interest. The commission, established by the act, contends that the proposition dealt with only one topic — political reform. Earlier, the high court supported the FPPC in a dispute with the Commission on State Government Organization and Economy by requiring members of the "Little Hoover" commission to disclose their financial interests.

In an unrelated matter, the Supreme Court ruled unanimously in *Brian W. v. Superior Court* that a Los Angeles trial court could allow representatives of the news media to attend a juvenile fitness hearing over the objections of the 17-year-old defendant.

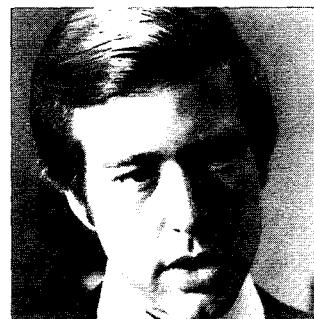
Newsmakers

The new transport team

The nine members of the new state Transportation Commission were announced by Governor Brown: Industrialist and art collector **Norton Simon**, a long-time member of the University of California Regents; **Dean N. Meyer**, a former Marin County member of the Golden Gate Bridge district; **Carole Oronato**, a conservationist former member of the Tahoe Regional Planning Agency; **Claude L. Fernandez**, a San Jose labor leader; **Judith L. Soley**, a Fresno attorney; **Frances Iwalani Mossman**, director of an Orange County transportation study; **Charles E. Reid**, deputy administrator of the San Diego Human Resources Agency; **Ivan Hinderaker**, chancellor of the University of California's Riverside campus, and **Robert Batinovich**, chairman of the state Public Utilities Commission.

Brown also appointed labor leader **Harry Gluck** of Van Nuys as chairman of the Public Employment Relations Board and **Anthony Frank**, president of a San Francisco savings and loan association, as chairman of the California Housing Finance Agency . . . Clarification: **Herbert Salinger** is the new executive director of the California School Boards Association, and **Richard B. Morris** is the new executive director of the State Bar.

Artist **Lowell Darling** announced his candidacy for governor in the sculpture garden of the UC-Berkeley Art Museum and reported that he had ended the drought by performing "urban acupuncture" on the state (starting in Needles, of course) and had ended earthquakes in 1971 by stitching up the San Andreas fault with rawhide.



Upon announcing his candidacy for reelection February 22nd, Governor Brown reported that his chief of staff, **Joseph Graham (Gray) Davis**, would take a leave of absence to direct the campaign. **Richard Silberman**, secretary of Business and Transportation, will replace Davis; **Alan Stein**, deputy director of the Department of Economic and Business Development, will fill in for Silberman.

The sword of Jarvis

With the sword of Jarvis hanging over their heads, legislators attempted in January and February to find a tax-relief alternative to the massive property-tax initiative on the June 6th ballot. Last year, lawmakers failed to approve a tax package, in part because it was unpalatable to the Republicans. This year, that problem was solved by using a three-year-old proposal by a Republican, liberal Senator Peter H. Behr, as the vehicle for tax relief. Legislators knew that if they failed, Proposition 13 — the Jarvis-Gann initiative — would be virtually certain to pass. And even enactment of the Behr bill or some other package does not guarantee the defeat in June of Howard Jarvis' massive property tax cut plan.

Jarvis was by far the overriding issue before the Legislature because virtually all governmental services in California would have to be reevaluated if Proposition 13 were passed. There was a question, however, how deeply the measure — which would limit property taxes to one percent of market value, or about one-third present levels — would cut into local-government revenues. The estimates ranged from \$4.5 billion to \$8 billion. Most analysts were using the range of \$7 to \$8 billion, but a Jarvis backer, Assemblyman William E. Dannemeyer of Orange County, said those figures were based on false assumptions. He came up with a gross loss of \$4.5 billion, and that could be reduced by some \$1.25 billion in tax relief already in the works. The net loss, Dannemeyer said, would total \$3.3 billion, and \$2 billion of that could be eliminated by cutting local spending eight percent and state spending 10 percent.

But most lawmakers were not in Dannemeyer's corner, and they were seeking ways of convincing the public that Jarvis was an irresponsible piece of legislation that would dramatically curtail vital governmental services and create chaos on the streets and in the schools. The main weapon was the Behr bill (SB1), which cleared the Senate and started moving in the Assembly in a revised form with the support of Assembly Speaker Leo T. McCarthy.

As Behr's bill arrived in the Assembly, it contained a fatal

flaw — a proposal to pay for some of the property tax relief with a five percent tax on the sale of residences. There were three problems with this idea: It would hit harder at those who move often than at those who stay put. It was vehemently opposed by the large and vocal California Association of Realtors. And most importantly, it would not be deductible for federal income taxation, thus providing an undesirable bonanza for Uncle Sam. The Assembly Revenue and Taxation Committee attempted to solve these problems by substituting another levy — a five percent tax on the profits from the sale of a home. The only problem then left was the strong opposition of the realtors, and the Legislature could ill afford to antagonize any interest that could hold the balance of power on Proposition 13.

As the Behr bill stood toward the end of February, it would provide some \$2 billion of relief and almost as much to the homeowner as the Jarvis plan. That is because Jarvis would apply to all classes of property, while Behr would concentrate on owner-occupied homes and renters. Of the \$2 billion in relief, some \$1.7 billion would be spent to provide an average of 40 percent reductions in taxes on owner-occupied dwellings (partly by eliminating local welfare spending). Some \$170 million would be spent to boost the renter credit on the income tax from \$37 to \$75 a year. Another \$188 million would go to expand the senior citizen program to include the disabled and a greater number of elderly persons. Spending limits would also be placed on both state and local government.

Under Jarvis pressure, Governor Brown agreed to boost the amount of property-tax relief to be provided from the state's \$3 billion surplus. His old figure was \$1 billion, but he set no new upper limit. Unless some resolution can be found to the realtors' opposition, it may turn out that the entire Behr package — or some other proposal — will have to be financed out of surplus funds. Even with this kind of generosity, the Governor would have to do a mighty selling job to convince Californians that this solution is preferable to the visions of sugar plums conjured up by Proposition 13.

Senate (26D, 14R)		SB 847 AB 644	SB 156 AB 156	SB 193 SB 346	SB 1015 SB 1015	SB 359 SB 432	SB 508 SB 125	SB 535 SB 535	SB 847 AB 644	SB 156 AB 156	SB 193 SB 346	SB 1015 SB 1015	SB 359 SB 432	SB 508 SB 125	SB 535 SB 535
Alquist (D)		N	Y	N	Y	Y	Y	Y	Marks (R)		*	*	Y	N	Y
Ayala (D)		N	Y	Y	Y	Y	Y	Y	Mills (D)		Y	Y	Y	Y	*
Behr (R)		Y	Y	Y	N	N	Y	*	Nejedly (R)		N	Y	*	Y	*
Beverly (R)		Y	Y	Y	Y	Y	N	Y	Nimmo (R)		N	Y	N	N	Y
Briggs (R)		N	Y	N	Y	*	*	Y	Petrus (D)		Y	Y	Y	N	Y
Campbell (R)		Y	N	*	Y	N	*	Y	Presley (D)		N	Y	Y	Y	Y
Carpenter, D. (R)		Y	*	*	*	*	N	Y	Rains (D)		Y	Y	Y	Y	Y
Carpenter, P. (D)		N	Y	Y	Y	Y	Y	Y	Richardson (R)		Y	N	*	N	Y
Cusanovich (R)		N	Y	N	Y	Y	Y	Y	Robbins (D)		*	Y	Y	Y	Y
Deukmejian (R)		N	Y	N	Y	Y	Y	Y	Roberti (D)		N	Y	Y	Y	Y
Dills (D)		N	Y	N	Y	Y	Y	Y	Rodda (D)		Y	Y	Y	Y	Y
Dunlap (D)		Y	Y	*	N	N	N	Y	Russell (R)		Y	N	Y	Y	Y
Foran (D)		Y	Y	Y	Y	Y	N	N	Sieroty (D)		Y	Y	Y	Y	Y
Garamendi (D)		Y	Y	Y	Y	N	N	Y	Smith (D)		Y	Y	Y	Y	Y
Garcia (D)		Y	Y	Y	Y	*	Y	N	Song (D)		Y	Y	Y	*	Y
Greene (D)		*	Y	*	Y	Y	N	*	Stiern (D)		N	Y	N	Y	Y
Gregorio (D)		Y	Y	N	N	N	Y	Y	Stull (R)		N	N	N	Y	Y
Holden (D)		*	*	N	Y	Y	N	Y	Vuich (D)		Y	Y	Y	Y	Y
Holmdahl (D)		N	Y	N	*	Y	N	N	Wilson (D)		N	N	Y	Y	Y
Johnson (R)		Y	Y	*	Y	N	Y	*	Zenovich (D)		Y	Y	Y	Y	Y

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-February. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes

N - No

*** — Absent or not voting**

A $\frac{2}{3}$ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. ($\frac{2}{3}$ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. ($\frac{2}{3}$ = 27 votes)

Senate

EMPLOYMENT

SB 847 (Dunlap) — Limits the use of veteran's preference points in state civil service to those who entered service since 1976. Passed 21 - 15.

AB 644 (McAlister) — Extends unemployment benefits to 900,000 public employees to conform to federal law. Passed 32 - 5.

ENVIRONMENT

SB 156 (Presley) — Increases vehicle inspections and regulation of emission-control devices in the South Coast Air Basin. Passed 21 - 11.

SB 193 (Zenovich) — Establishes state policy for preservation and use of prime agricultural lands. Passed 28 - 6.

SB 346 (Ayala) — Authorizes the construction of the Peripheral Canal and other water projects. Senate rejected conference report, 20 - 14.

SB 1015 (Russell) — Permits construction of the proposed Sundesert nuclear power plant by exempting it from state nuclear-safety laws. Passed 21 - 10.

HOUSING

SB 359 (Roberti) — Prohibits landlords from refusing to rent to persons with children. Defeated 17 - 17.

JUSTICE

SB 452 (Dennis Carpenter) — Permits introduction of evidence gained through illegal search and seizure under certain conditions and establishes damage claim procedure for cases of unreasonable search and seizure. Passed 21 - 17.

SB 508 (Presley) — Prohibits firing of chiefs of police in charter cities except for cause and under specified procedures. Defeated 8 - 18.

TAXATION

SB 1 (Behr) — Major property-tax relief measure. Passed 27 - 6.

SB 125 (Dennis Carpenter) — Permits business taxpayer overpaying corporate taxes to receive adjustment before filing return for the next tax year. Governor's veto overridden 27 - 6.

MISCELLANEOUS

SB 535 (Campbell) — Establishes procedure whereby adopted persons may be placed in contact with natural parents through intermediaries. Passed 21 - 6.

Assembly

BUSINESS AND CONSUMER AFFAIRS

AB 52 (Goggin) — Allows doctors and lawyers to advertise their services and specifies legal types of advertising. Passed 49 - 22.

Assembly (57D, 23R)

	AB 52 AB 2067 AB 1900 SB 373 AB 512	AB 1942 AB 2057 AB 644 AB 693 AB 1993
Agnos (D)	Y Y Y Y Y	Y N Y Y Y
Alatorre (D)	Y N Y Y Y	Y Y Y Y Y
Antonovich (R)	Y N N N N	Y N N N Y
Arnett (R)	Y N N Y *	Y * * * Y
Bane (D)	Y N N Y *	Y Y Y Y Y

Bannai (R)	N N N N N	* Y Y N N
Bates (D)	Y Y Y Y Y	Y N Y Y N
Berman (D)	Y Y Y Y Y	Y N Y Y N
Boatwright (D)	N N N * N	Y Y Y N Y
Brown (D)	Y N Y Y Y	Y N Y Y N

Calvo (D)	Y * Y Y Y	Y Y Y Y *
Chacon (D)	N Y Y Y Y	Y Y * N Y
Chapple (R)	Y N N N N	N Y * N Y
Chel (D)	N N N Y Y	Y Y Y Y Y
Chimbole (D)	* Y N N N	N Y Y N Y

Cline (R)	Y N N * N	N Y * N Y
Collier (R)	N N N N N	Y Y N N Y
Cordova (D)	N N N Y *	N Y N N Y
Craven (R)	Y N N N N	Y N N N Y
Cullen (D)	N Y N N N	Y N N N N

Dannemeyer (R)	Y N N N N	N Y N Y Y
Deddeh (D)	N N N Y *	* * Y N Y
Dixon (D)	Y * Y Y Y	Y N Y Y *
Duffy (R)	Y N N N Y	Y Y N N Y
Egeland (D)	Y N Y Y Y	Y * Y Y Y

Ellis (R)	N Y N N N	N Y N N *
Fazio (D)	Y * Y Y Y	Y N Y Y N
Fenton (D)	N N Y Y *	Y Y Y * Y
Gage (D)	Y Y Y Y Y	Y Y Y Y *
Goggin (D)	Y * Y Y Y	Y * Y Y *

Greene (D)	Y N Y Y Y	Y Y Y * N
Gualco (D)	* * Y Y Y	N * Y Y *
Hallett (R)	Y N N N N	Y N N N Y
Hart (D)	Y Y Y Y Y	Y * Y Y Y
Hayden (R)	* N Y N N	Y Y * N Y

Hughes (D)	N Y Y Y Y	Y N Y Y N
Imbrecht (R)	Y Y N Y N	N Y N N Y
Ingalls (D)	N N Y Y Y	N Y N N Y
Kapiloff (D)	N N Y Y Y	Y Y Y Y N
Keene (D)	Y N Y Y Y	Y Y Y Y Y

Keysor (D)	* * Y Y Y	Y Y Y Y *
Knox (D)	N N Y Y Y	Y N Y * N
Lancaster (R)	* N N N N	Y Y * N Y
Lanterman (R)	Y N N Y N	Y Y N N Y
Lehman (D)	Y Y N Y Y	Y Y Y N Y

Levine (D)	Y N Y Y Y	Y Y Y Y N
Lewis (R)	Y N N N N	N Y N N Y
Lockyer (D)	Y Y Y Y Y	Y Y Y Y *
Maddy (R)	Y N N N N	Y Y * * Y
Mangers (D)	Y N N Y *	N Y N N Y

McAlister (D)	N N N N N	N Y Y Y N
McCarthy (D)	Y * Y Y Y	Y * Y Y *
McVittie (D)	N N N Y Y	Y Y Y Y Y
Mello (D)	Y N Y Y Y	* N Y Y Y
Miller (D)	N * Y Y Y	Y N Y Y Y

Montoya (D)	* N Y Y N	Y Y Y N N
Mori (D)	* * * Y N	Y Y Y N *
Nestande (R)	Y Y N Y Y	Y Y Y N Y
Papan (D)	Y N Y Y *	Y Y Y N Y
Perino (D)	N N N Y Y	Y Y * * Y

Priolo (R)	* N N N N	N Y N N Y
Robinson (D)	N N N N *	Y Y Y N Y
Roos (D)	Y * Y Y Y	Y Y Y Y Y
Rosenthal (D)	Y Y Y Y Y	Y * Y Y N
Ryan (R)	N N N Y Y	Y Y Y Y Y

Statham (R)	Y N N * N	* Y N N Y
Stirling (R)	N N N N N	N Y * N Y
Suitt (D)	Y N N Y Y	N Y N N Y
Thomas, V. (D)	* N Y Y N	Y Y Y N Y
Thomas, W. (R)	N Y N Y N	Y Y N N Y

Thurman (D)	Y N N N N	N Y Y N Y
Torres (D)	Y Y Y Y Y	Y N Y Y Y
Tucker (D)	Y N N Y Y	Y N N N N
Vasconcellos (D)	Y Y Y Y Y	N * * * N
Vicencia (D)	Y N Y Y Y	Y N Y N N

Waters, M. (D)	Y Y Y Y Y	Y N Y Y N
Waters, N. (D)	Y Y N Y Y	* Y Y Y N
Wornum (D)	Y Y Y Y Y	Y Y Y Y Y
Wray (D)	Y N Y Y *	Y Y Y * Y
Young (D)	Y Y Y Y N	Y Y Y Y Y

AB 2067 (Torres) — Requires that contracts for consumer goods and services be written in non-technical language and establishes penalties for violations. Failed 21 - 49.

ENVIRONMENT

AB 1900 (Calvo) — Establishes state policy for preservation and use of prime agricultural land. Passed 42 - 37.

SB 373 (Rains) — Makes owners of solar-energy equipment damaged by natural disasters eligible for loans to finance repairs. Assembly approves conference report 55 - 22.

JUSTICE

AB 512 (Goggin) — Requires the establishment of community programs for female inmates wishing to retain custody of their children under two. Passed 43 - 28.

AB 1942 (Dixon) — Prohibits district attorney of Los Angeles County from appearing before the grand jury without its request. Passed 56 - 19.

AB 2057 (Maddy) — Allows police officers to arrest minors for misdemeanors not personally observed by the officers. Passed 56 - 16.

MISCELLANEOUS

AB 644 (McAlister) — Extends unemployment benefits to 900,000 public employees in conformity with federal law. Passed 54 - 16.

AB 693 (Wornum) — Allows candidates for major state office and the United States Senate to include 200-word statements in the voter pamphlets. Failed 35 - 37.

AB 1993 (Antonovich) — Prohibits registration of a motor vehicle without insurance or proof of financial responsibility. Passed 51 - 19.

CHARTING THE LEGISLATURE

This report on major bills being considered by the Legislature is a monthly *Journal* feature. As significant new bills are introduced, they will be added. As action is completed on measures, they will be dropped. The following bills, listed in the January and February issues, have not changed status: SB 443, AB 2190, SB 1355, SB 1368, SB 1306, SB 3x, SB 4x, AB 6x, SB 1313, SCA 52, SB 1362, ACA 55, AB 1295, AB 1624, AB 2173, SB 1342, AB 291, SB 111, SCA 23, ACA 4, AB 1644, SB 346, SB 154.

SUBJECT	BILLS	DESCRIPTION	STATUS
ADVERTISING	AB 52 (Goggin)	Permits physicians and attorneys to advertise their services.	<i>Passed Assembly. In Senate Business and Professions Committee.</i>
AGRICULTURAL LAND	AB 1900 (Calvo)	Establishes a statewide policy for the preservation and use of prime agricultural lands.	<i>AB 1900 is in the Senate Natural Resources and Wildlife Committee.</i>
	SB 193 (Zenovich)		<i>SB 193 is in the Assembly Resources, Land Use and Energy Committee.</i>
AUTOMOBILE INSURANCE	AB 2255 (McAlister)	Enacts a system of no-fault automobile insurance.	<i>Assembly Finance, Insurance and Commerce Committee.</i>
	AB 2361 (Young)		
BUSINESS TAXES	AB 7x (Lockyer)	Repeals business inventory tax.	<i>Passed Assembly. In Senate Finance Committee.</i>
	AB 74 (Lockyer)	Phases out business inventory tax over a five-year period.	<i>Defeated in Assembly Revenue and Taxation Committee.</i>
CRIMINAL JUSTICE	AB 2475 (McAlister)	A comprehensive revision of the determinate-sentencing law to increase sentence for violent and repeat offenders.	<i>Assembly Criminal Justice Committee.</i>
JARVIS-GANN INITIATIVE	SB 1569 (Rodda)	Sets aside major portion of state surplus to finance local governmental services contingent upon the passage of the Jarvis-Gann tax initiative. Would also increase sales, income and corporate taxes.	<i>Senate Revenue and Taxation Committee.</i>
JUDGES	AB 2086 (McAlister)	Requires that decisions of superior court judges in criminal cases be recorded and open to public inspection.	<i>Assembly Criminal Justice Committee.</i>
LOYALTY OATH	SCA 555 (Sieroty)	Proposed constitutional amendment to abolish the loyalty-oath requirement for public officials and employees.	<i>Senate Public Employment and Retirement Committee.</i>
MEDICAL EXPERIMENTATION	AB 1752 (Rosenthal)	Would regulate all medical experimentation on humans and require informed consent be obtained from persons before they can participate in medical experiments.	<i>Passed Assembly. In Senate Health and Welfare Committee.</i>
MIDWIVES	AB 1896 (Hart)	Permits creation of pilot projects utilizing persons without nursing certificates as midwives.	<i>Passed Assembly. In Senate Health and Welfare Committee.</i>
NUCLEAR POWER PLANTS	SB 1015 (Russell)	Would permit the construction of the proposed Sundesert nuclear power plant in Southern California by exempting it from state nuclear-safety laws.	<i>Passed Senate. In Assembly Resources, Land Use and Energy Committee.</i>
PROPERTY TAX RELIEF	SB 1 (Behr)	Increases homeowner's property tax exemption and renter's tax credits, imposes a 5 percent tax on profits from the sale of homes, and requires state assumption of county welfare costs.	<i>Passed Senate and Assembly Revenue and Taxation Committee. In Assembly Ways and Means.</i>
PUBLIC EMPLOYEES	SB 164 (Roberti)	Requires that labor disputes between local governments and firefighters or peace officers be submitted to binding arbitration.	<i>Died on Senate Inactive File.</i>
UNEMPLOYMENT INSURANCE	AB 644 (McAlister)	Extends unemployment benefits to an estimated 900,000 public employees in conformity with changes in federal law.	<i>Signed by Governor.</i>

Duel over the sun

By skimping on expenditures for solar energy and the space program, President Carter's new budget is good news for Jerry Brown. It enables California's governor to strengthen his national image as a creative leader who is willing to chart new technological paths. And it virtually concedes to Brown two important constituencies — the growing anti-nuclear movement and a far-flung academic-industrial complex eager to recapture the space-exploration momentum of the Apollo lunar-landing era.

In sending his \$500 billion budget for fiscal 1979 to Congress, the President called it "the first full statement" of his administration's priorities. It generally takes a year before a new chief executive can place his full stamp on the government's fiscal policies. Now, with the Carter brand unmistakably on the thick budget document, futurists are dismayed.

All during the 1976 campaign and right until the time he was sworn in, Carter had raised hopes high that he was prepared to chart bold initiatives in science, technology and industry. He was proud of his engineering background and expertise. The success of his march to the White House was paved with sharp attacks on conventional solutions emanating from the banks of the Potomac. To set the tone and symbolism for what loomed as a sharp break with the past, he even had solar heaters installed in the White House reviewing stand for his inaugural parade.

A year later, much of the pioneering venturesomeness is gone — or simply has yet to materialize. Old-line budget specialists and technocrats remain in the saddle. Inertia prevails over innovation.

Environmentalists loudly complain that the new Carter budget signals a retreat for solar-energy development efforts. Recalling Carter's 1977 description of the energy crisis as the "moral equivalent of war," the Environmental Study Conference sadly concludes after a review of the solar part of his strategy: "If this is war, the generals don't know it."

RICHARD Munson, a national organizer of Sun Day, points out that in Sacramento, the Brown Administration is confident that a greater number of homes can be heated with solar power in California by 1985 than Energy Secretary James Schlesinger projects for the entire nation. "If California can do that much, what's happening in the rest of the country?" he asks.

It is widely assumed that Carter's go-slow approach to solar power is due to Schlesinger's belief that nuclear energy and coal are the prime short-term replacement sources for oil and gas, and that solar will remain a negligible component of the total energy mix for many years to come. This outlook is reinforced by many old hands of the defunct Atomic Energy Commission who are back in key places in the Energy Department. It is one of the great ironies of the

Carter Administration that several old-line agencies like Interior and Agriculture have been revitalized with young reformers, while the newest department — Energy — is dominated by traditionalists.

This could spell serious political trouble for Carter between now and 1980. Solar energy is growing into an enthusiastic mass movement, propelled on rising fears of atomic power. Many of its leaders, like Tom Hayden, are veterans of the anti-establishment crusades of the 1960s. They know how to organize grassroots pressures and political campaigns. In fact, there already are signs that many activists in the solar-power camp not only are prepared to join Brown against Carter but are growing impatient for the Governor to take the gloves off. But since they also are political realists, they are resigned to the fact that Brown will not go out of his way to trade blows with Carter before the November gubernatorial election. After that, Brown will have plenty of spear-carriers for the asking.

THE same scenario of a Carter default while Brown waits in the wings to pick up the marbles is emerging in the space program. Last year, the Governor called for major increases in what he termed the "Mickey Mouse" budget of the National Aeronautics and Space Administration. The new NASA spending blueprint is not calculated to please him. It reflects a basic stand-still approach, coasting on previously set timetables for the space shuttle but shying away from major new commitments. Brown, an ardent space enthusiast, thinks this is madness. Politically, in view of the great success of *Star Wars*, his radar tells him that the public is ready for an exciting new era in space. And, in economic terms, he sees space as the cutting edge of new job-creating technology. This is also the view of a growing number of academics, industrialists and members of Congress who look at the U.S. decline in steel, autos and electronics, and wonder what field besides space is left where American superiority remains unchallengeable. There is talk on Capitol Hill of dazzling new vistas of industrial frontiers in space — orbiting mirrors that can reflect solar power to electric generating stations on earth, manned space stations that could manufacture strong metals and exotic drugs more cheaply and easily under conditions of weightlessness, and communications satellites that could make Dick Tracy's two-way wrist radios a multi-billion-dollar commercial reality and the CB craze a mere passing fad.

It's a new wave which is gaining respectability in both intellectual and hard-headed financial circles. Brown is part of it. Carter, with his new budget, is passing it up. Of course, it can be argued that Brown, with a \$4 billion state surplus, can afford to be bolder than Carter, who is saddled with a \$60 billion deficit. But then, as the President himself observed in another context, life is not always fair.

The California collection of bargain books on state politics, government and the media

The most convenient and least expensive way to develop a useful library on California government, politics and the media is to take advantage of special book offers from the *California Journal Press*. Each month, the *Journal* makes a variety of volumes available to its readers, some at discount prices. The current selection:



Our latest . . . A great gift . . . The book that entertains as it informs.

The Cartoon History of California Politics, by Ed Salzman and Ann Leigh Brown, a new 156-page book containing more than 100 drawings illustrating California's fascinating political history. Price: \$5.25, including tax.

An indictment of the industry that hides California political campaigns.

Phantom Politics: Campaigning in California, by Mary Ellen Leary, a 191-page paperback book describing media coverage of California politics. Price: \$6.31, including tax.

A thoughtful analysis of what's right and what's wrong with the post-Watergate press.

Reporting: An Inside View, by Lou Cannon, a 320-page book by the *Journal's* long-time Washington columnist. Hardback, \$10.55; softbound, \$5.25, including tax.

The book that distinguishes two shades of (Governor) Brown.

Jerry Brown: High Priest and Low Politician, by Ed Salzman, with cartoons by Paul Conrad of the *Los Angeles Times*. Price: \$3.13, including tax.

The essential reference book on California government and politics.

California Journal Almanac of State Government and Politics, 1977-1978 edition, compiled by Ed Salzman, editor of the *California Journal*. Price: \$4.19, including tax.

All you might want to know about California sex laws (sent in plain manila wrapper).

Sex Code of California, prepared by Planned Parenthood Affiliates of California. Price: \$5.25, including tax.

Postage and handling are free on prepaid, Visa or Master Charge orders. Send orders to the *California Journal Press*, 1617 10th St., Sacramento, 95814.



It is one of the eternal unchanging truths that any code of laws which may be amended by lawyers will become ever more complicated until no one can understand it but lawyers, and they will disagree.

— James R. Mills